WEB COPY

Order QR

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.11.2026

CORAM

THE HON'BLE MR.JUSTICE N.RAMESH

CRL.O.P.Nos.28804 & 28807 of 2026

CNR: {HCMA012362122026}

CRL.O.P.No.28804 of 2026

Case QR

Aravind @ Anil

..Petitioner

Vs

The State Represented By, Its Inspector of Police,
S-8, Adambakkam Police Station,
Chengalpattu District.

..Respondent

PRAYER: To enlarge the petitioner on bail in the C.C.No.644 of 2026 on the file of the 1st Additional Special Court for Exclusive Trial of Cases under NDPS Act, Chennai, and pass such further or other orders that this Court.

For Petitioner : Mr.Senthilkumar S.

For Respondent : Mr.M.M.I.Khaleel,
Government Advocate (Crl.side).

CRL.O.P.No.28807 of 2026

CNR: {HCMA012362132026}

Sanjai @ Gundu Sanjay

..Petitioner

Vs

The State Represented By, Its Inspector of Police,
S-8, Adambakkam Police Station,
Chengalpattu District.

..Respondent

PRAYER: To enlarge the petitioner on bail in the C.C.No.644 of 2026 on the file of the 1st Additional Special Court for Exclusive Trial of Cases under

https://www.mhc.tn.gov.in/judis

WEB COPY

Order QR

NDPS Act, Chennai, and pass such further or other orders that this Court.

For Petitioner : Mr.Senthilkumar

For Respondent : Mr.M.M.I.Khaleel,
Government Advocate (Crl.side).

COMMON ORDER

The petitioners, who were arrested and remanded to judicial custody on **21.01.2026** for the alleged offences punishable under **Sections 8(c) read with 20(b)(ii)(C)** of the Narcotic Drugs and Psychotropic Substances Act, 1985, in **Crime No. 34 of 2026** on the file of the respondent police, now pending trial in **C.C. No. 644 of 2026** before the learned Principal Special Judge, Special Court under EC & NDPS Act, Chennai, seek **bail**.

2. The case of the prosecution is that on **20.01.2026** at about 14:30 hours, based on secret information, the respondent police conducted surveillance near Thillai Ganga Nagar 6th Main Road, Adambakkam, and intercepted the petitioners (A1 and A2). Upon search, the petitioners were found in illegal possession of **20.200 kgs of Ganja**. Hence, the case.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and have been falsely implicated in this case. He would further submit that the total contraband allegedly seized is **20.200 kgs**, which is marginally above the commercial quantity of 20 kgs by

https://www.mhc.tn.gov.in/judis

WEB COPY

just **200 grams**. Drawing the attention of this Court to the **Seizure Mahazar** and the **Forensic Examination Report dated 02.02.2026** (Report No. T.No. 1043 / NAR 151/2026), the learned counsel pointed out that the seized material consisted of *dry greenish brown broken leaves, leaf stalks, flowering tops accompanied with seeds*. Relying upon **Section 2(iii)(b) of the NDPS Act** and the judgment of this Court in ***Ganesan vs. The State [Crl.A.(MD) No. 212 of 2020, dated 15.10.2025]***, he contended that "Ganja" strictly covers only the flowering or fruiting tops of the cannabis plant and excludes stems, stalks, and luxuriant leaves; in borderline cases just above 20 kgs, the failure to segregate non-narcotic parts before weighing defeats the classification as commercial quantity. It is also submitted that there are no independent witnesses to the seizure, the investigation has been completed, the final report has been filed and taken on file in **C.C.No.644 of 2026**, and the petitioners have been languishing in judicial custody since **21.01.2026**. Hence, he prays for grant of bail to the petitioners.

4. Per contra, the learned Government Advocate (Criminal Side) appearing for the respondent police would submit that the petitioners were found in conscious possession of **20.200 kgs of Ganja**, which is a commercial quantity, and that the chemical analysis report confirmed the presence of cannabinoids. He would further submit that the trial is pending in **C.C.No.644 of 2026** and, in view of the statutory bar under **Section 37 of the NDPS Act**, he

https://www.mhc.tn.gov.in/judis

WEB COPY

Order QR

vehemently opposed the grant of bail to the petitioners.

5. Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Criminal Side) appearing for the respondent police, and perused the materials available on record.

6. Considering the facts and circumstances of the case, particularly that the seized contraband weighing **20.200 kgs** is marginally above the commercial threshold by only **200 grams** and admittedly included leaves, leaf stalks, and seeds as borne out from the Forensic Examination Report dated **02.02.2026**, in the light of the principles laid down in ***Ganesan vs. The State [Crl.A.(MD) No. 212 of 2020]***, and also taking into account the completion of investigation in **C.C.No.644 of 2026** and the period of incarceration undergone by the petitioners since **21.01.2026**, this Court is inclined to grant bail to the petitioners.

7. Accordingly**, these Criminal Original Petitions are allowed and the petitioners are ordered to be released on bail** on their executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties, each for a like sum to the satisfaction of the learned **I Additional Special Court for Exclusive Trial of cases under NDPS Act, Chennai,** and on further conditions that:

https://www.mhc.tn.gov.in/judis

WEB COPY

Order QR

[a] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure his identity;

[b] The petitioners shall report before the Trial Court daily at 10:30 a.m. on all working days until further orders;

[c] the petitioners shall not abscond either during investigation or trial;

[d] the petitioners shall not tamper with the evidence or witness either during investigation or trial;

[e] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioners in accordance with law as if the aforementioned conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)13 SCC 283];**

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

11.11.2026

kmm

https://www.mhc.tn.gov.in/judis

WEB COPY

Order QR

Note:

1. Registry is directed to forthwith upload this order in the Official Website of this Court.

2. All concerned to act on this order being uploaded in Official Website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in the official website of this Court will be watermarked and will also have a QR code.

To

1. The I Additional Special Court for Exclusive Trial of cases under NDPS Act, Chennai.

2. The Superintendent,
Central Prison, Puzhal, Chennai.

3. The Inspector of Police,
S-8, Adambakkam Police Station,
Chengalpattu District.

4. The Public Prosecutor, High Court of Madras.

https://www.mhc.tn.gov.in/judis

WEB COPY

Order QR

N.RAMESH, J.

kmm

CRL.O.P.Nos.28804 & 28807 of 2026

11.11.2026

https://www.mhc.tn.gov.in/judis