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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.10.2026

CORAM

THE HON'BLE MR.JUSTICE N.RAMESH

CRL.O.P.No.30206 of 2026

CNR: {HCMA012486152026}

Subash

..Petitioner

Vs

The State Rep by The Inspector of Police,
Singanallur Police Station,
Coimbatore District.
Crime No.373/2026.

..Respondent

PRAYER: To enlarge the petitioner on bail in Crime No.373 of 2026, pending on the file of the respondent.

For Petitioner : Mr.Selvakumar Subramaniam

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

ORDER

The petitioner, who is arrayed as Accused No.2, was arrested and remanded to judicial custody on 07.09.2026 for the alleged offences punishable under Sections 8(c) r/w Section 20(b)(ii)(B), 29(1) and 22(a) of the Narcotic Drugs and Psychotropic Substances (NDPS) Act, 1985 in Crime No.373 of 2026.

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2. The case of the prosecution is that on 07.09.2026, the respondent police intercepted the accused persons and allegedly found Accused No. 1 (A1) in physical possession of 1.250 kgs of Ganja and 28 strips of Tapentadol 100 mg, totaling 280 tablets. Hence, the case.

3. It is the submission of the learned counsel for the petitioner that no contraband or psychotropic substances were recovered from the person or conscious possession of the petitioner (A2). The entire alleged recovery of 1.250 kgs of Ganja and 280 tablets of Tapentadol 100 mg was made exclusively from A1. It is further submitted that the petitioner has been falsely implicated in this case merely on the strength of a co-accused statement, which is legally unsustainable. He would also submit that the quantity involved in this case falls squarely under the "Intermediate Quantity" classification, and hence the statutory embargo under Section 37 of the NDPS Act is not attracted.

4. The learned Government Advocate (Criminal Side) objects to the grant of bail to the petitioner on the ground that the petitioner accompanied the main accused at the time of the alleged offense. However, he concedes the fact that no contraband was recovered from the physical possession of this petitioner (A2).

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

6. Considering the facts and circumstances of the case, and taking note of the fact that no contraband was recovered from the conscious possession of the petitioner (A2), and that the total quantity involved falls under the intermediate quantity category, thereby making Section 37 of the NDPS Act inapplicable, this Court is inclined to grant bail to the petitioner.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties, each for a like sum to the satisfaction of the learned **Additional District Judge/Presiding Officer, Special Court for Essential Commodities Act cases, Coimbatore,** and on further conditions that:

[a] the sureties shall affix his 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 petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

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

[d] the petitioner shall not tamper with the evidence or witness either during investigation or trial, and shall not maintain any contact with the witnesses to the occurrence, the officials dealing with the case, or any other person who might be connected to the occurrence;

[e] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions have been imposed and the petitioner 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.

30.10.2026

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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.

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To

1. The Additional District Judge/Presiding Officer, Special Court for Essential Commodities Act cases, Coimbatore.

2. The Superintendent, Central Prison, Coimbatore.

3. The Inspector of Police, Singanallur Police Station, Coimbatore District.

4. The Public Prosecutor,
High Court of Madras.

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