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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.11.2026

CORAM

THE HON'BLE MR.JUSTICE N.RAMESH

CRL.O.P.Nos.31192 & 31305 of 2026

CNR: {HCMA012490372026}

CRL.O.P.No.31192 of 2026

Case QR

Bharathi

..Petitioner

Vs

The State Rep by The Sub Inspector of Police,
E-5 Sholavaram Police Station.
Crime No.472/2026.

..Respondent

PRAYER: To enlarge the petitioner on bail pending investigation in the Crime No.472 of 2026, on the file of the Sub Inspector of police, E-5 Sholavaram Police Station.

CRL.O.P.No.31305 of 2026

CNR: {HCMA012575602026}

Sakthiraj

..Petitioner

Vs

The State Rep by The Inspector of Police,
E-5 Sholavaram Police Station.
Crime No.472/2026.

..Respondent

PRAYER: To enlarge the petitioner on Bail pending investigation in Crime No.472 of 2026, on the file of Inspector of Police, E5 Sholavaram Police Station.

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For Petitioner : Mr.S.Karthikeyan,
For Mr.P.Santhosh.
(In both Crl.O.Ps.)

For Respondent : Mr.M.M.I.Khaleel,
Government Advocate (Crl.side).
(In both Crl.O.Ps.)

COMMON ORDER

Since both these Criminal Original Petitions arise out of the very same crime number, they are heard together and disposed of by this Common Order.

2. The petitioner in Crl.O.P.No.31192 of 2026 (arrayed as Accused No. 3, Bharathi) and the petitioner in Crl.O.P.No.31305 of 2026 (arrayed as Accused No.2, Sakthiraj), who were arrested and remanded to judicial custody on 16.07.2026 for the alleged offences punishable under Sections 8(c) read with 22(c), 25 and 29(1) of the Narcotic Drugs and Psychotropic Substances (NDPS) Act, 1985, in Crime No.472 of 2026 on the file of the respondent police, seek regular bail.

3. The case of the prosecution is that on 16.07.2026, the respondent police intercepted the accused persons and effected separate recoveries from them under individual mahazars. According to the prosecution, 400 numbers of Tramadol Hydrochloride and Acetaminophen tablets (each weighing 0.670 grams, totally 268 grams) were seized from A1, 230 numbers of Nitrazepam tablets (each weighing 0.56 grams, totally 128.8 grams) were seized from A2 (petitioner in Crl.O.P.No.31305 of 2026), and 940 numbers of Tapentadol

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tablets (each weighing 0.34 grams, totally 319.6 grams) were seized from A3 (petitioner in Crl.O.P.No.31192 of 2026). Based on the said seizure, the present case was registered against the accused persons.

4. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and have been falsely implicated in this case. With regard to the petitioner in Crl.O.P.No.31192 of 2026 (A3), he would contend that she is an innocent woman who has been roped in merely because she happens to be the wife of the first accused (A1). He would submit that the alleged recovery from A3 is a separate recovery under a separate mahazar, and what is attributed against her, namely Tapentadol tablets, is not a scheduled substance under the NDPS Act. He would further submit that the commercial quantity arose solely from the seizure made from A1 (her husband), and there are no Call Detail Records (CDR), money transactions, or other materials to establish any link or nexus between A3 and the recoveries made from the other accused, and that she has no previous criminal antecedents.

5. With regard to the petitioner in Crl.O.P.No.31305 of 2026 (A2), the learned counsel would submit that the alleged recovery from him is also a separate recovery of 230 Nitrazepam tablets weighing 128.8 grams, which falls strictly under the intermediate quantity (below the commercial quantity threshold of 500 grams), and therefore, the statutory bar under Section 37 of the NDPS Act is not attracted against him. He would further submit that both the petitioners have been languishing in judicial custody since 16.07.2026 and are

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ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prays for the grant of bail to both the petitioners.

6. Per contra, the learned Government Advocate (Criminal Side) appearing for the respondent police vehemently opposed both the bail petitions. He submitted that all the accused persons were present together at the scene of occurrence, and therefore, all the recoveries must be treated as a joint recovery and conscious possession. He further contended that if treated jointly, the contraband falls under the commercial quantity, thereby attracting the rigour of Section 37 of the NDPS Act. However, he fairly conceded that separate mahazars were prepared for each accused and that the individual recovery from A2 (128.8 grams of Nitrazepam) is an intermediate quantity.

7. 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.

8. On a careful perusal of the records, it is seen that the recoveries from A1, A2, and A3 were effected separately under individual mahazars. As regards the petitioner in Crl.O.P.No.31192 of 2026 (A3), this Court is unable to accept the submission of the learned Government Advocate that the recovery from her should be clubbed with that of A1. There is no material placed before this Court, such as Call Detail Records, money transactions, or other incriminating circumstances, to show any nexus or conspiracy between A3 and the recovery effected from the other accused, apart from the fact that she is the wife of A1.

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Therefore, whatever was recovered from A3 has to be treated strictly as a separate recovery, and the substance attributed to her (Tapentadol) is not scheduled under the NDPS Act and does not attract the commercial quantity bar.

9. As regards the petitioner in Crl.O.P.No.31305 of 2026 (A2), the separate recovery effected from him is 230 Nitrazepam tablets totally weighing 128.8 grams, which is admittedly an intermediate quantity (below the commercial quantity of 500 grams), and consequently, the statutory bar under Section 37 of the NDPS Act is not attracted.

10. Considering the facts and circumstances of the case, the separate nature of recoveries, the absence of any material linking A3 with the commercial quantity seized from A1, the intermediate quantity seized from A2, and taking note of the period of incarceration suffered by both the petitioners from 16.07.2026, this Court is inclined to grant bail to both the petitioners.

11. Accordingly, 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) with two sureties,** each for a like sum to the satisfaction of the **learned Principal Special EC & NDPS Court, Chennai,** and on further conditions that:

> [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

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Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure his identity;

[b] the petitioner in Crl.O.P.No.31192 of 2026 (A3, Bharathi) shall appear before the respondent police daily at 10.30 a.m. for a period of 15 days and thereafter as and when required for interrogation;

[c] the petitioner in Crl.O.P.No.31305 of 2026 (A2, Sakthiraj) shall appear before the respondent police daily at 10.30 a.m. until further orders;

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

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

[f] 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];**

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

25.11.2026

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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.

To

1. The Sub Inspector of Police,
   E-5 Sholavaram Police Station.

2. The Principal Special EC & NDPS Court, Chennai.

3. The Superintendent,
   Special Prison for Women, Puzhal, Chennai.

4. The Public Prosecutor,
   Madras High Court.

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