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Order QR

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.11.2026

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THE HON'BLE MR.JUSTICE N.RAMESH

CRL.O.P.No.30240 of 2026

CNR: {HCMA012490522026}

1. Vijay

2. Devi

Case QR

..Petitioners

Vs

The State Rep by The Inspector of Police,
M4 Red Hills Police Station.
Crime No.286/2026.

..Respondent

PRAYER: To enlarge the petitioners on bail, taking into consideration that FIR, Seizure Mahazar and Forensic Science Laboratory Report mention the presence of flowers and seeds in the seized contraband, and that the recorded weight of 21 kg appears to include the weight of gunny bags, polythene cover and adhesive tape used for packaging, along with the flowers and seeds. Had the weight of the gunny bags, polythene covers, adhesive tape and the flowers and seeds been excluded, the actual weight of the contraband would have been below 20 kg and would have fallen within the intermediate quantity category. The investigation has been completed and the charge sheet has been filed in C.C.No.1145 of 2026 on the file of the I Additional EC,NDPS Court at chennai.

For Petitioners : Mr.P.Santhosh

For Respondent : Mr.Durai Gunasekaran,
Government Advocate (Crl.side).

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The petitioners / Accused Nos. 3 and 4, who were arrested and remanded to judicial custody on **23.05.2026** for the alleged offences punishable under **Sections 8(c) read with 20(b)(ii)(C), 25 and 29(1)** of the Narcotic Drugs and Psychotropic Substances Act, 1985, in **Crime No.286 of 2026** on the file of the respondent police, seek **bail**.

2. The case of the prosecution is that on **23.05.2026**, based on secret information, the respondent police conducted surveillance within their jurisdiction and intercepted the accused persons. Upon search, a total quantity of **21 kgs of Ganja** packed in four bags was allegedly recovered from the accused persons, out of which **5 kgs** was separately recovered from the first petitioner (A3) and **5 kgs** was separately recovered from the second petitioner (A4). 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 alleged recovery from each of the petitioners is only **5 kgs of Ganja**, which is an intermediate quantity, and even the total alleged recovery of **21 kgs** across four bags is only marginally above the commercial quantity of 20 kgs by 1 kg. Drawing the attention of this Court to the Chemical Analysis / Forensic Laboratory Report, the learned counsel pointed out that the seized contraband consisted of leaves, stalks, and seeds, and that the total weight of 21 kgs was arrived at by weighing the contraband along

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with the four bags without segregating the non-narcotic parts. 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 if the weight of the bags, leaves, stalks, and seeds is excluded, the actual contraband would fall well below the commercial quantity threshold of 20 kgs, thereby taking the case outside the purview of **Section 37 of the NDPS Act**. He would also submit that the material part of the investigation is almost completed and the petitioners have been languishing in judicial custody since **23.05.2026**. 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 all the accused persons were jointly found in conscious possession of **21 kgs of Ganja**, which is a commercial quantity, and that the individual recovery of 5 kgs each from A3 and A4 cannot be viewed in isolation. He would further submit that the investigation is still pending and, in view of the statutory bar under **Section 37 of the NDPS Act**, he 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 the separate recovery of **5 kgs** each from the petitioners (A3 and A4), the fact that the total alleged contraband of **21 kgs** is only marginally above the commercial

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quantity threshold and was weighed inclusive of four bags, leaves, and seeds as reflected in the laboratory report, in the light of the principles laid down by this Court in ***Ganesan vs. The State [Crl.A.(MD) No. 212 of 2020, dated 15.10.2025]***, and also taking into account the stage of investigation and the period of incarceration undergone by the petitioners from **23.05.2026**, this Court is inclined to grant bail to the petitioners, subject to the following conditions:

7. Accordingly**, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail** on his 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 EC & NDPS Court at 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 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

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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.

12.11.2026

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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 I Additional EC & NDPS Court at Chennai.

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

3. The Inspector of Police,
M4 Red Hills Police Station.

4. The Public Prosecutor, High Court of Madras.

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N.RAMESH, J.

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