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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.11.2026

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THE HON'BLE MR.JUSTICE N.RAMESH

CRL.O.P.No.30188 of 2026

Case QR

CNR: {HCMA012499202026}

Bharathi Krishnan

..Petitioner

Vs

The State Rep by The Sub Inspector of Police,
Virinchipuram Police Station,
Vellore District, Tamil Nadu.
Crime No.19 of 2026.

..Respondent

PRAYER: To enlarge the petitioner, on bail in Crime No.19 of 2026 on the file of the respondent police, on such terms and conditions as this Court may deem fit and proper in the circumstances of the case.

For Petitioner : Mr.R.Vivekananthan

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

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The petitioner, who is arrayed as an accused, was formally arrested and remanded to judicial custody on **02.02.2026** for the alleged offences punishable under **Sections 8(c), 22(c), and 29(1) of the Narcotic Drugs and Psychotropic Substances (NDPS) Act, 1985, r/w Sections 3(5) and 111 of the Bharatiya Nyaya Sanhita (BNS), 2023**, in **Crime No.19 of 2026** on the file of the respondent police, seeks regular bail.

2. The case of the prosecution is that on the day of the incident, the accused persons were found to be in illegal possession and trafficking of contraband, leading to the recovery of **150 grams of Methamphetamine**, which constitutes a commercial quantity. Hence, the case.

3. The learned counsel appearing for the petitioner submitted that the petitioner is innocent and has been falsely implicated in the present case. He forcefully contended that there is absolutely no recovery of contraband from the physical possession of this petitioner. He further submitted that there is no material link or nexus established by the prosecution to connect the petitioner with the alleged crime, except for the confession statement of a co-accused, which is inadmissible in evidence. He highlighted a crucial factual circumstance that the petitioner has been in continuous incarceration since **25.12.2025** in connection with a separate case in **Crime No. 292 of 2025**, whereas the present

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case was registered subsequent to his imprisonment on **02.02.2026**. He adds that since the petitioner was already inside the prison during the material period and no independent link is available, the rigours of Section 37 of the NDPS Act are not attracted, and prays for the grant of bail.

4. The learned Government Advocate (Criminal Side) appearing for the respondent state strongly opposed the grant of bail, highlighting that the contraband involved is Methamphetamine weighing 150 grams, which is a commercial quantity. He argued that the petitioner is part of a larger conspiracy and therefore the statutory bar under Section 37 of the NDPS Act applies. However, he conceded that the petitioner was already in prison in connection with another case at the time of registration of the present FIR and that his implication rests primarily on a co-accused's confession.

5. Heard both sides and perused the materials available on record.

6. Considering the facts and circumstances of the case, and taking note of the unique circumstance that the petitioner was already in prison since 25.12.2025 in Crime No.292 of 2025 before the registration of the present case on 02.02.2026, this Court finds force in the submission that no prima facie material or live nexus has been demonstrated by the prosecution linking the petitioner to the current seizure other than an inadmissible confession statement.

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Consequently, the threshold requirement of Section 37 of the NDPS Act is satisfied as there are reasonable grounds to believe the petitioner is not guilty of the offence in this specific case. Evaluating the custody period and the lack of independent link material, this Court is inclined to grant bail to the petitioner.

7. **In the result, this Criminal Original Petition is allowed and 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 **Special Judge for EC & NDPS Act Cases, Salem,** 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 at 10.30 a.m., until further orders;

[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

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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.

03.11.2026

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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 Special Judge for EC & NDPS Act Cases, Salem.
2. The Superintendent, Puzhal – II, Chennai.

3. The Sub Inspector of Police, Virinchipuram Police Station, Vellore District, Tamil Nadu.

4. The Public Prosecutor,
High Court of Madras.

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