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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.10.2026

CORAM

THE HON'BLE MR.JUSTICE N.RAMESH

CRL.O.P.No.30209 of 2026

CNR: {HCMA012501722026}

Elavarasan

..Petitioner

Vs

The State Rep by The Inspector of Police,
Kuniyamuthur Police Station,
Coimbatore District.
Cr.No.325 of 2026.

..Respondent

PRAYER: To enlarge the petitioner on bail in Cr.No.325 of 2026 pending on the file of the respondent police.

For Petitioner : Mr.A.Saranraj

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on **13.09.2026** for the alleged offences punishable under **Sections 8(c) r/w 20(b)(ii)(B) and 29(1) of the Narcotic Drugs and Psychotropic Substances (NDPS) Act, 1985** in Crime No.325 of 2026 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on the day of the incident, the respondent police intercepted the petitioner along with other accused persons

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and recovered a total quantity of 3.200 kgs of Ganja from their joint possession. Hence the case.

3. The learned counsel appearing for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. He further submits that the quantity involved in this case is 3.200 kgs of Ganja, which falls squarely under the category of intermediate quantity, thereby making the statutory bar under Section 37 of the NDPS Act inapplicable. He submits that though there are ten previous cases reported against the petitioner, out of which only one case is under the NDPS Act, the petitioner has been in continuous judicial custody since 13.09.2026. Since a major portion of the investigation is completed, he prays for the grant of bail.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police opposes the grant of bail, drawing the attention of this Court to the fact that the petitioner is a habitual offender with ten previous cases recorded against him, including one antecedent under the NDPS Act. He further submits that the investigation is still pending. He, however, concedes that the contraband seized from the joint possession of the accused persons is an intermediate quantity.

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

6. Taking note of the facts and circumstances of the case, the recovered contraband of 3.200 kgs of Ganja is an intermediate quantity, and therefore the rigid statutory restrictions under Section 37 of the NDPS Act do not apply. While this Court takes a serious view of the petitioner's ten criminal antecedents, considering the fact that only one previous case is related to the NDPS Act, the period of judicial custody already undergone by him since 13.09.2026, and the progress made in the investigation, this Court is inclined to grant bail to the petitioner, but on strict conditions to ensure he does not repeat similar offences.

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 **Judicial Magistrate No.7, 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.

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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 Judicial Magistrate No.7, Coimbatore.

2. The Superintendent, Central Prison, Coimbatore.

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

4. The Public Prosecutor,
High Court of Madras.

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