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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.11.2026

CORAM

THE HON'BLE MR.JUSTICE N.RAMESH

CRL.O.P.No.30443 of 2026

CNR: {HCMA012509712026}

Kalipulla Bagurudeen

Case QR

..Petitioner

Vs

The Superintendent of Customs,
RSI unit Airport,
New Customs House,
Meenambakkam,
Chennai600 016.
In OS No.50/2026.

..Respondent

PRAYER: To enlarge the petitioner on bail pending investigation in OS No.50/2026, on the file of the superintendent of Customs, RSI Unit Airport, New Customs House, Meenambakkam.

For Petitioner : Mr.D.Raja

For Respondent : Mr.S.Haja Mohideen Gisthi.

ORDER

The petitioner, who was arrested and remanded to judicial custody on **05.09.2026** for the alleged offences punishable under **Sections 8(c) read with 20(b)(ii)(B), 23(b), and 28** of the Narcotic Drugs and Psychotropic Substances Act, 1985, in **O.S. No. 50 of 2026** on the file of the respondent Customs Authorities, seeks **bail**.

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2. The case of the prosecution is that on **04.09.2026** at about 11:45 a.m., the Customs Officers at Anna International Airport, Meenambakkam, Chennai, intercepted and searched the petitioner, who arrived from Thailand to India by IndiGo Flight No. 6E 1062. Upon search, the Customs authorities allegedly seized **1.956 kgs of hydroponic ganja** from the possession of the petitioner. Consequently, the petitioner was arrested and remanded to judicial custody on **05.09.2026**. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and has been falsely implicated in this case. He would further submit that the contraband allegedly seized from the petitioner is **1.956 kgs of hydroponic ganja**, which is an **intermediate quantity**, and therefore the statutory bar under **Section 37 of the NDPS Act** is not attracted. He would also submit that the petitioner has **no previous cases** pending against him, the material part of the investigation is almost completed, and the petitioner has been languishing in judicial custody since **05.09.2026**. Hence, he prays for grant of bail to the petitioner.

4. Per contra, the learned Special Public Prosecutor appearing for the respondent Customs Department would submit that the petitioner was caught red-handed at the airport while attempting to smuggle **1.956 kgs of hydroponic ganja** from Thailand into India, and that the investigation is still pending.

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Hence, he vehemently opposed the grant of bail to the petitioner.

5. Heard the learned counsel appearing for the petitioner and the learned Special Public Prosecutor appearing for the respondent, and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case, the fact that the contraband involved in this case is **1.956 kgs of hydroponic ganja**, which is an intermediate quantity and does not attract the rigour of **Section 37 of the NDPS Act**, the fact that the petitioner has **no previous cases**, the stage of investigation, and the period of incarceration undergone by the petitioner from **05.09.2026**, this Court is inclined to grant bail to the petitioner.

7. Accordingly**, 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) each with two sureties, each for a like sum to the satisfaction of **the learned Special Court, Customs Act (Magisterial Level) at Alandur,** 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

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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;

[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;

[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.

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.

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To

1. The Special Court, Customs Act (Magisterial Level) at Alandur.

2. The Superintendent,
Central Prison, Puzhal.

3. The Superintendent of Customs,
RSI unit Airport,
New Customs House,
Meenambakkam,
Chennai600 016.

4. The Public Prosecutor, High Court of Madras.

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N.RAMESH, J.

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