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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.11.2026

CORAM

THE HON'BLE MR.JUSTICE N.RAMESH

CRL.O.P.No.31615 of 2026

CNR: {HCMA012517882026}

Sathish Kumar ..Petitioner

Vs

State Rep by The Inspector of Police,
P1, Pulianthope Police Station,
Pulianthope, Chennai - 600 012.

..Respondent

PRAYER: To enlarge the petitioner on bail in C.C.No.1062 of 2026 on the file I Additional Special Court for EC under NDPS Act, Chennai pending trial, arising out of Cr.No.55 of 2026 on the file of the respondent and thus render justice.

For Petitioner : Mr.S.Sakthivel

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

ORDER

The petitioner, who has been arrested and confined in judicial custody since 20.02.2026 for the alleged offences punishable under Sections 8(c), 20(b)(ii)(B), and 29(1) of the Narcotic Drugs and Psychotropic Substances (NDPS) Act, 1985, in Crime No.55 of 2026 on the file of the respondent police, seeks bail.

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2. The case of the prosecution is that on routine checking / intelligence information, the respondent police intercepted the accused persons, including the petitioner. Upon conducting a search, the accused persons were found to be in unlawful and joint possession of an intermediate quantity of Ganja. Consequently, the present case was registered against the petitioner along with the other accused.

3. The learned counsel for the petitioner submits that the petitioner is completely innocent and has been falsely implicated in this case. He further submits that the contraband involved in this case is an **intermediate quantity**, and therefore, the stringent bar under Section 37 of the NDPS Act does not apply. He draws the attention of this Court to the fact that the other co-accused (A1 and others) have already been enlarged on bail by this Court. He further submits that though the petitioner's earlier bail application was dismissed by this Court on the ground that there were 12 previous cases pending against him, there is a substantial change of circumstances now as the petitioner has been **acquitted in two of the major previous cases**. He further adds that the petitioner has been suffering incarceration for more than eight months since 20.02.2026, and that he is ready to abide by any stringent conditions imposed by this Court.

4. The learned Government Advocate (Criminal Side) appearing for the respondent heavily opposes the grant of bail to the petitioner on the ground that

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he is a habitual offender with a long list of previous antecedents. However, he fairly concedes that the contraband seized is an intermediate quantity and that the petitioner has indeed been acquitted in two of the previous cases cited earlier. He also does not dispute the fact that the co-accused A1 has already been granted bail.

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

6. Considering the facts and circumstances of the case, the period of incarceration suffered by the petitioner (since 20.02.2026), and the fact that the contraband involved is an intermediate quantity, the statutory bar under Section 37 of the NDPS Act is not attracted. Further, taking note of the change of circumstances, specifically the recent acquittals of the petitioner in two previous cases, and the fact that the co-accused A1 has already been granted bail, this Court is inclined to grant bail to the petitioner with stringent conditions to ensure his appearance before the trial court.

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 **I Additional Special Court for EC under NDPS Act,** and on further conditions that:

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[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;

[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.

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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 Special Court for EC under NDPS Act.

2. The Superintendent,
Central Prison,
Puzhal.

3. The Inspector of Police,
P1, Pulianthope Police Station,
Pulianthope, Chennai - 600 012.

4. The Public Prosecutor, High Court of Madras.

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N.RAMESH, J.

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