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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.10.2026

CORAM

THE HON'BLE MR.JUSTICE N.RAMESH

CRL.O.P.No.30683 of 2026

CNR: {HCMA012560182026}

Harish

..Petitioner

Vs

The State Rep By, The Inspector of Police,
PEW-Poonamallee Police Station,
Thiruvallur.
Crime No.180 of 2026

..Respondent

PRAYER: To enlarge the petitioner on bail in Crime No.180 of 2026 on the file of the Inspector of Police, PEW-Poonamallee Police Station, Thiruvallur District.

For Petitioner : Mr.S.Thennarasu

For Respondent : Mrs.R.S.Indira
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on **14.09.2026** for the alleged offences punishable under **Sections 8(c) r/w 20(b)(ii)(B)** of the **Narcotic Drugs and Psychotropic Substances (NDPS) Act, 1985** (as amended by Act 9 of 2001), in **Crime No.180 of 2026** on the file of the respondent police, seeks bail.

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2. The case of the prosecution is that on the day of the incident, the petitioner was found to be in illegal possession of **2 kgs of ganja**. Hence, the registration of the present case against the petitioner.

3. The learned counsel appearing for the petitioner submitted that the petitioner is innocent of the alleged offences and has been falsely implicated in this case. He further submitted that the quantity involved in the present case is **2 kgs of ganja**, which is an **intermediate quantity**, and therefore, the stringent bar under Section 37 of the NDPS Act does not apply. He also added that the petitioner has been languishing in judicial custody since **14.09.2026** and that the petitioner has **no previous case** of similar nature recorded against him.

4. The learned Additional Public Prosecutor appearing for the respondent state opposed the grant of bail to the petitioner but fairly conceded that the seized contraband falls under the category of intermediate quantity and that the petitioner has no antecedents of similar nature.

5. Hearing the learned counsel on either side and perusing the materials available on record, it is clear that the seized contraband is **2 kgs of ganja**, which is an **intermediate quantity**. Considering the period of incarceration undergone by the petitioner from **14.09.2026**, the fact that there are **no previous cases** of similar nature against him, and that the rigours of Section 37 of the

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NDPS Act are not attracted, this Court is inclined to grant bail to the petitioner.

6. 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-II, Court at Poonamallee,** 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;

[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];**

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N.RAMESH

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[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

23.10.2026

kmm

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-II, Court at Poonamallee.

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

3. The Inspector of Police, PEW-Poonamallee Police Station, Thiruvallur District.

4. The Public Prosecutor, High Court of Madras.

CRL.O.P.No.30683 of 2026

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