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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.11.2026

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THE HON'BLE MR.JUSTICE N.RAMESH

CRL.O.P.No.32007 of 2026

CNR: {HCMA012625762026}

K.Karthikeyan ..Petitioner

Vs

State rep by the Inspector of police,
Tiruppur Central Police Station, Tiruppur city.

..Respondent

PRAYER: To enlarge the petitioner on bail in C.C.No.71 of 2026 on the file of Learned Additional District and Sessions Judge, Presiding officer, Special Court for EC Act/NDPS Act cases, Coimbatore in Crime No.249 of 2025 of the respondent police.

For Petitioner : Ms.S.Valarmathi
For Respondent : Mr.M.M.I.Khaleel,
Government Advocate (Crl.side).

ORDER

The petitioner, who is arrayed as the second accused (A2) and was arrested and remanded to judicial custody on 20.05.2025 for the alleged offences punishable under Sections 8(c), 22(a), 22(b), 22(c), and 29(1) of the Narcotic Drugs and Psychotropic Substances (NDPS) Act, 1985, and Section 123 of the Bharatiya Nyaya Sanhita (BNS), 2023, in Crime No.249 of 2025 on the file of the respondent police (now pending in C.C.No.71 of 2026 on the file of the Special Court for EC & NDPS Act Cases, Coimbatore), seeks regular bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS).

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2. The case of the prosecution is that there are totally five accused persons in this case. Initially, on 20.05.2025, the respondent police intercepted the first accused (A1) and recovered 16 capsules of Dicyclomine HCl, Tramadol HCl, and Acetaminophen (each weighing 600 mg, totally weighing 9.6 grams) from his possession. Based on the confession statement of A1, further recoveries were effected from Accused No.3 (A3), and Accused Nos.4 and 5 (A4 and A5) were also arrested, leading to a total seizure of 1.251 kgs of narcotic pills and 54 bottles of Codeine Phosphate and Triprolidine HCl syrup across the accused. The petitioner (A2), who is the brother of A1, was implicated solely on the basis of the confession statement of A1 and was remanded to judicial custody on 20.05.2025. Hence, the case.

3. The learned counsel appearing for the petitioner (A2) submits that the petitioner is innocent and has been falsely implicated in this case merely because he happens to be the brother of the first accused (A1). He strongly contends that there was absolutely no recovery of any narcotic drug, psychotropic substance, or incriminating material from the individual or conscious possession of this petitioner (A2), and even the initial seizure from A1 was only 16 capsules weighing 9.6 grams. He further submits that save for the inadmissible confession statement of A1, there is no specific overt act, independent material, or nexus attributed against the petitioner (A2) to connect him with the commercial quantity recovered from the other co-accused. Therefore, the statutory bar under Section 37 of the NDPS Act is not attracted

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against the petitioner. He also points out that the investigation has already been completed, the charge sheet was filed on 04.02.2026 before the Special Court for EC & NDPS Act Cases, Coimbatore in C.C.No.71 of 2026, and the case is now posted for framing of charges. Since the petitioner has been languishing in judicial custody for more than a year since 20.05.2025, he prays for grant of regular bail.

4. Per contra, the learned Government Advocate (Criminal Side) appearing for the respondent police opposes the bail petition, stating that the total quantity of contraband seized across all the accused persons amounts to 1.251 kgs of narcotic pills and 54 bottles of Codeine Phosphate and Triprolidine HCl syrup, which falls under commercial quantity, and hence the rigours of Section 37 of the NDPS Act are attracted. However, he fairly concedes that there was no physical recovery of any contraband from the possession of this petitioner (A2), that the investigation is completed, and that the charge sheet has been taken on file in C.C.No.71 of 2026.

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

6. A perusal of the records reveals that the initial recovery from the first accused (A1) was 16 capsules weighing 9.6 grams, and the subsequent bulk recovery of 1.251 kgs of narcotic pills and 54 bottles of Codeine syrup was effected from the other co-accused. Admittedly, there is nil recovery of any contraband from the individual possession of this petitioner (A2), and he has been implicated solely on the basis of the confession statement of A1, who is

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Order QR

his brother. Save for the said confession statement, no independent material or financial nexus has been placed on record to link the petitioner with the commercial quantity seized from the other accused persons.

7. In the absence of any recovery from the petitioner (A2) and without any independent material connecting him to the commercial quantity, this Court is satisfied that there are reasonable grounds for believing that the petitioner is not guilty of an offence involving commercial quantity, and thus the twin conditions under Section 37 of the NDPS Act stand satisfied. Furthermore, the investigation has already been completed, the final report has been filed on 04.02.2026 in C.C.No.71 of 2026 before the Special Court for EC & NDPS Act Cases, Coimbatore, and the matter is posted for framing of charges. Considering the prolonged period of incarceration undergone by the petitioner since 20.05.2025 and the completion of investigation, this Court is inclined to grant regular bail to the petitioner, subject to the following conditions:

8. 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 Additional District and Sessions Judge, Presiding Officer, Special Court for EC Act/NDPS Act Cases, Coimbatore** 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

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Order QR

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 Trial Court on all working days 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.

18.11.2026

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To

1. The Additional District and Sessions Judge, Presiding Officer, Special Court for EC Act/NDPS Act Cases, Coimbatore.

2. The Superintendent, Central Prison,
Coimbatore.

3. The Inspector of police,
Tiruppur Central Police Station, Tiruppur city.

4. The Public Prosecutor,
Madras High Court.

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CRL.O.P.No.32007 of 2026

18.11.2026

https://www.mhc.tn.gov.in/judis