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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 OP No. 32008 of 2026

Jaswanth ...Petitioner/Accused-2

Vs

The State Rep by:
The Inspector of Police,
Prohibition Enforcement Wing,
Thindivanam Police Station,
Thindivanam,
Tamil Nadu-604 001 ...Respondent/Complainant
Crime No.107 of 2026.

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner/accused-2 on bail pending investigation in Crime No.107 of 2026, on the file of the respondent police.

For Petitioner(s): Mr.J.B.Solomon Peter Kamal Doss
For Respondent(s): M.M.I.Khaleel,
Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on **03.10.2026** for the alleged offences punishable under **Sections 8(c) and 20(b)(ii)(B) of the Narcotic Drugs and Psychotropic Substances (NDPS) Act, 1985**, in **Crime No.107 of 2026** on the file of the respondent police, seeks regular bail.

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2. The case of the prosecution is that the petitioner was found in illegal possession of **2.870 Kgs of Ganja**. Hence, the case.

3. The learned counsel appearing for the petitioner submitted that the petitioner has been falsely implicated in the present case and has not committed any offence as alleged by the prosecution. He further submitted that the contraband involved falls under the intermediate quantity category, meaning the statutory bar under Section 37 of the NDPS Act does not apply. He added that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court and prays for the grant of bail.

4. Per contra, the learned Government Advocate (Criminal Side) appearing for the respondent police reiterated the prosecution case and submitted that the petitioner was found in possession of 2.870 Kgs of Ganja. Pointing out the nature of the offence, he vehemently opposed the grant of bail to the petitioner.

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

6. Considering the facts and circumstances of the case, and taking note of the fact that the quantity of Ganja seized is **2.870 Kgs**, which falls under the **intermediate quantity category**, the rigours of Section 37 of the NDPS Act are

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not attracted to the present case. Evaluating the period of incarceration undergone by the petitioner from 03.10.2026, this Court is of the firm view that further confinement of the petitioner is not required. Hence, this Court is inclined to grant bail to the petitioner.

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**, for a like sum to the satisfaction of the **learned XV Metropolitan Magistrate, George Town, Chennai 600 001,** 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;
>
> [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

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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.

04-11-2026

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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 XV Metropolitan Magistrate, George Town, Chennai 600 001

2.The Inspector of Police,
Prohibition Enforcement Wing,
Thindivanam Police Station,
Thindivanam,
Tamil Nadu-604 001

3.The Superintendent,
Sub Jail, Tindivanam, Villupuram District.

4.The Public Prosecutor,
High Court, Madras.

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N.RAMESH, J.

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