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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. 32001 of 2026

Kumaravel ...Petitioner/Accused Rank Not known

Vs

The State Rep by its:
The Inspector of Police,
Annathanapatti Police Station. ...Respondent/Complainant
Crime No.333 of 2026.

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in Crime No.333 of 2026, on the file of the Respondent police.

For Petitioner(s): Mr.W.Camyles Gandhi

For Respondent(s): M.M.I.Khaleel,
Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on **05.10.2026** for the alleged offences punishable under **Sections 8(c) r/w 20(b)(ii)(B) & 29(1) of the Narcotic Drugs and Psychotropic Substances (NDPS) Act, 1985**, in **Crime No. 333 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 **1.200 Kgs of Ganja** for the purpose of sale. Hence, the case.

3. The learned counsel appearing for the petitioner submitted that the petitioner has been falsely implicated in the present case and that he has not committed any offence as alleged by the prosecution. He further submitted that the contraband involved falls under the intermediate quantity category, and therefore, the statutory bar under Section 37 of the NDPS Act is not attracted. He also 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 vehemently opposed the grant of bail to the petitioner. However, he fairly conceded the fact that there is no previous case pending against 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 quantum of Ganja seized is **1.200 Kgs**, which falls squarely under the **intermediate quantity category**, the rigours of Section 37 of the NDPS Act are not applicable. Evaluating the fact that there are no adverse

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previous cases pending against the petitioner and taking into account the period of incarceration undergone by the petitioner from 05.10.2026, this Court is of the firm view that further custodial 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 Additional District Judge/Presiding Officer, Special Court for Essential Commodities Act Cases, Salem,** 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 law as if the aforementioned conditions have been imposed and the petitioner released on bail by the learned

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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.

To

1.The Additional District Judge/Presiding Officer, Special Court for Essential Commodities Act Cases, Salem

2.The Inspector of Police,
Annathanapatti Police Station.

3.The Superintendent,
Central Prison, Salem.

4.The Public Prosecutor,
High Court, Madras.

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N.RAMESH, J.

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