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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.11.2026

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THE HON'BLE MR.JUSTICE N.RAMESH

CRL.O.P.No.32082 of 2026

CNR: {HCMA012633482026}

Madhankumar ..Petitioner

Vs

The State rep by the Inspector of Police,
M-5 Ennore Police Station,
Chennai-600 057.
Crime No.522 of 2026. ..Respondent

PRAYER: To enlarge the petitioner on bail in Crime No.522 of 2026 on the file of the M-5 Ennore Police Station, Chennai District, and pass any other order as this Court deem fit under the circumstance of the case.

For Petitioner : Mr.R.Nagaraj

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on **27.09.2026** 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.522 of 2026** on the file of the respondent police, seeks bail.

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2. The case of the prosecution is that the petitioner, along with other accused persons, 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. He forcefully submitted that there was no recovery of contraband from the physical possession of this petitioner. He further submitted that the total quantity involved in the case is 1.200 Kgs of Ganja, which falls squarely under the intermediate quantity category, and therefore, the stringent statutory bar under Section 37 of the NDPS Act is not attracted. He added that the petitioner has been languishing in continuous judicial custody since 27.09.2026 and prays for the grant of bail.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police strongly opposes the grant of bail, highlighting that the petitioner has four previous cases of pending against him. However, he fairly conceded the fact that the seized contraband falls under the intermediate quantity category and that no property was directly recovered from this petitioner.

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

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6. Considering the facts and circumstances of the case, and taking note of the fact that the quantum of Ganja involved is **1.200 Kgs**, which falls under the **intermediate quantity category**, the rigours of Section 37 of the NDPS Act are not applicable. Although the petitioner has four previous cases, evaluating the period of incarceration undergone by the petitioner from 27.09.2026 and the fact that no property was directly recovered from his person, 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 Judicial Magistrate Court, Thiruvottiyur,** 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 twice at 10.30 a.m., and 5.30 p.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;

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[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.

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 Judicial Magistrate Court,
Thiruvottiyur.

2. The Inspector of Police,
M-5 Ennore Police Station,
Chennai-600 057.

3.The Superintendent,
Central Prison – II, Puzhal.

4.The Public Prosecutor,
High Court, Madras.

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N.RAMESH, J.

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