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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.11.2026

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THE HON'BLE MR.JUSTICE N.RAMESH

CRL.O.P.No.32469 of 2026

CNR: {HCMA012662302026}

Naveen Kumar ..Petitioner

Vs

The State rep by the Inspector of Police,
M-4 Red Hills Police Station.
Crime No.286/2026. ..Respondent

PRAYER: To enlarge the petitioner on bail pending investigation has been completed and the charge sheet has been filed in C.C.No.1145 of 2026 on the file of the I Additional EC and NDPS Court at Chennai.

For Petitioner : Mr.Santhosh P

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

ORDER

The petitioner, who is arrayed as Accused No. 2 (A2) and was arrested and remanded to judicial custody on 23.05.2026 for the alleged offences punishable under Sections 8(c) read with 20(b)(ii)(C), 25 and 29(1) of the Narcotic Drugs and Psychotropic Substances Act, 1985, in Crime No.286 of 2026 on the file of the respondent police, seeks bail.

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2. The case of the prosecution is that on 23.05.2026, based on secret information, the respondent police conducted surveillance within their jurisdiction and intercepted the accused persons. Upon search, a total quantity of 21 kgs of Ganja packed in four bags was allegedly recovered from the accused persons, out of which 5 kgs of Ganja was separately recovered from this petitioner (A2). Hence, the case.

3. The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and has been falsely implicated in this case. He points out that the alleged individual recovery from this petitioner (A2) is only 5 kgs of Ganja, which is an intermediate quantity, and even the total alleged recovery of 21 kgs across four bags is only marginally above the commercial quantity threshold of 20 kgs by 1 kg.

4. Drawing the attention of this Court to the Chemical Analysis / Forensic Laboratory Report, the learned counsel contends that the seized contraband consisted of leaves, stalks, and seeds, and that the total weight of 21 kgs was arrived at by weighing the contraband along with the four bags without segregating the nonnarcotic parts. Relying upon Section 2(iii)(b) of the NDPS Act and the judgment of this Court in **Ganesan vs. The State [Crl.A.(MD) No. 212 of 2020, dated 15.10.2025]**, he submits that if the weight of the bags, leaves, stalks, and seeds is excluded, the actual contraband would fall well below the commercial quantity threshold of 20 kgs, thereby taking the case outside the purview of Section 37 of the NDPS Act.

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5. He further brings to the notice of this Court that the co-accused arrayed as Accused Nos. 3 and 4 (A3 and A4) in Crl.O.P.No.30240 of 2026, dated 12.11.2026, and Accused No.1 (A1) in Crl.O.P.No.30663 of 2026, dated 19.11.2026, in this very same crime number have already been granted bail by this Court on the exact same footing, and that the petitioner has been languishing in judicial custody since 23.05.2026. Hence, he prays for grant of bail to the petitioner.

6. Per contra, the learned Government Advocate (Criminal Side) appearing for the respondent police submits that all the accused persons were jointly found in conscious possession of 21 kgs of Ganja, which is a commercial quantity, and further submits that the petitioner has four previous cases registered against him, and therefore vehemently opposes the grant of bail in view of the statutory bar under Section 37 of the NDPS Act and his criminal antecedents. However, he fairly concedes that the individual recovery from this petitioner is 5 kgs of Ganja and that the co-accused (A1, A3 and A4) have already been enlarged on bail by this Court.

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

8. Considering the facts and circumstances of the case, particularly the separate recovery of 5 kgs of Ganja from this petitioner (A2), the fact that the total alleged contraband of 21 kgs is only marginally above the commercial quantity threshold and was weighed inclusive of four bags, leaves, and seeds as reflected in the laboratory report, in the light of the principles laid down by this

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Court in **Ganesan vs. The State [Crl.A.(MD) No. 212 of 2020, dated 15.10.2025]**, as well as the fact that all the similarly placed co-accused (A1, A3 and A4) have already been granted bail by this Court in Crl.O.P.No.30663 of 2026, dated 19.11.2026 and Crl.O.P.No.30240 of 2026, dated 12.11.2026, and also taking into account the stage of investigation and the period of incarceration undergone by him since 23.05.2026, this Court is inclined to grant bail to the petitioner, subject to stringent conditions in view of his previous antecedents.

9. 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 I Additional EC & NDPS Court, Chennai,** 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 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

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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.

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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 Inspector of Police,
   M-4 Red Hills Police Station.

2. The I Additional EC & NDPS Court, Chennai.

3. The Superintendent,
   Central Prison, Puzhal, Chennai.

4. The Public Prosecutor,
   Madras High Court.

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