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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.11.2026

CORAM

THE HON'BLE MR.JUSTICE N.RAMESH

CRL.O.P.No.32962 of 2026

CNR: {HCMA012685402026}

Poonnjolayan

Case QR

..Petitioner

Vs

The State Rep. by, The Inspector of Police,
Hosur Police Station,
Krishnagiri District.
Crime No.398 of 2026.

..Respondent

PRAYER: To enlarge the Petitioner on bail in Cr.No.398 of 2026 on the file of the Respondent Police and thus render justice.

For Petitioner : Mr.K.Prabhakaran

For Respondent : Mr.Durai Gunasekaran,
Government Advocate (Crl.side).

ORDER

The petitioner / Accused No. 1, who was arrested and remanded to judicial custody on 30.09.2026 for the alleged offences punishable under **Sections 8(c) read with 20(b)(ii)(B)** of the Narcotic Drugs and Psychotropic Substances Act, 1985, in **Crime No.398 of 2026** on the file of the respondent police, seek **bail**.

2. The case of the prosecution is that on the date of occurrence, based on secret information, the respondent police conducted surveillance within their

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jurisdiction and intercepted the petitioner (A1) along with another accused (A2). Upon search, they were found in illegal possession of **2.100 kgs of Ganja**. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and has been falsely implicated in this case. He would further submit that the total contraband allegedly seized is **2.100 kgs of Ganja**, which is an intermediate quantity, and therefore the statutory bar under **Section 37 of the NDPS Act** is not attracted. He would also submit that the material part of the investigation is almost completed and the petitioner has been languishing in judicial custody. Hence, he prays for grant of bail to the petitioner.

4. Per contra, the learned Government Advocate (Criminal Side) appearing for the respondent police would submit that the petitioner along with the co-accused was found in illegal possession of **2.100 kgs of Ganja**, which is an intermediate quantity, and that the investigation is still pending. Hence, he vehemently opposed the grant of bail to the petitioner.

5. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for the respondent police, and perused the materials available on record.

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6. Taking into consideration the facts and circumstances of the case, the fact that the contraband involved in this case is **2.100 kgs of Ganja**, which is an intermediate quantity and does not attract the rigour of **Section 37 of the NDPS Act**, the stage of investigation, and the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner, subject to the following conditions:

7. Accordingly**, this Criminal Original Petition is allowed and 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) each with two sureties, each for a like sum to the satisfaction of **the learned Judicial Magistrate No.II, Hosur,** 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 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

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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.

12.11.2026

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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 Judicial Magistrate No.II, Hosur.

2. The Superintendent,
Central Prison, Salem.

3. The Inspector of Police,
Hosur Police Station,
Krishnagiri District.

4. The Public Prosecutor, High Court of Madras.

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N.RAMESH, J.

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