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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.11.2026

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THE HON'BLE MR.JUSTICE N.RAMESH

CRL.O.P.No.33764 of 2026

CNR: {HCMA012757152026}

Gandhi

..Petitioner

Vs

The State rep by the Inspector of Police,
Paradarami Police Station,
Vellore District.
Crime No.217 of 2026

..Respondent

PRAYER: To enlarge the petitioner on bail in Crime No.217 of 2026 on the file of the Paradarami Police Station, Vellore District on such terms and conditions as this Court may deem fit and proper.

For Petitioner : Mr.Rajkumar

For Respondent : Mr.M.M.I.Khaleel,
Government Advocate.

ORDER

The petitioner / A1, who was arrested and remanded to judicial custody on 05.10.2026 for the offences punishable under Sections 20(b)(ii)(B) and 8(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 read with Section 77 of the Juvenile Justice (Care and Protection of Children) Act, 2015, in Crime No.217 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 (A1) along with the other accused was found in illegal possession of 5 kgs of Ganja and allegedly gave or sold the narcotic substance to a child. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the contraband involved is only 5 kgs of Ganja, which is an intermediate quantity, and the petitioner has been suffering incarceration from 05.10.2026. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent would submit that the investigation is almost completed and that the contraband involved is 5 kgs of Ganja, which is an intermediate quantity. He would further submit that there is no previous case pending against the petitioner. However, he vehemently opposed for 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 and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case, the period of incarceration suffered by the petitioner from 05.10.2026, the stage of investigation, and the fact that the contraband seized is an intermediate quantity

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of 5 kgs where the bar under Section 37 of the NDPS Act is not attracted, this Court is inclined to grant bail to the petitioner.

7. In the result, 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, Gudiyatham, Vellore District,** 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, and shall not maintain any contact with the witnesses to the occurrence, the officials dealing with the case, or any other person who might be connected to the occurrence;

[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

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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.

18.11.2026

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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, Gudiyatham, Vellore District.

2. The Superintendent, Vellore Central Prison.

3. The Inspector of Police, Paradarami Police Station, Vellore District.

4. The Public Prosecutor,
High Court of Madras.

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