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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.11.2026

CORAM

THE HON'BLE MR.JUSTICE N.RAMESH

CRL.O.P.No.33711 of 2026

CNR: {HCMA012758082026}

Mohammed Asan Aliyar

..Petitioner

Vs

Case QR

The State Rep. by, The Inspector of Police,
Ramapuram Police Station,
Chennai.
Crime No.489 of 2026.

..Respondent

PRAYER: To enlarge the Petitioner on bail pending investigation in Cr.No.489 of 2026 on the file of the Respondent Police and pass such further or other orders as this Court.

For Petitioner : Mr.M.Arun

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

ORDER

The petitioner / A2, who was arrested and remanded to judicial custody on 26.10.2026 for the offences punishable under Sections 8(c), 20(b)(ii)(A) and 25 of the Narcotic Drugs and Psychotropic Substances Act, 1985, read with Section 77 of the Juvenile Justice (Care and Protection of Children) Act, in Crime No.489 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 (A2) along with other accused (A1) was found in illegal possession of 43 grams of Ganja and allegedly involved in supplying the same to juveniles. 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 43 grams of Ganja, which is a small quantity not attracting the bar under Section 37 of the NDPS Act, the co-accused (A1) in this case has already been granted bail by this Court in Crl.O.P.No.33458 of 2026 dated 16.11.2026, and the petitioner has been suffering incarceration from 26.10.2026. 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 43 grams of Ganja, which is a small quantity. He would further submit that the co-accused (A1) has already been granted bail by this Court in Crl.O.P.No.33458 of 2026 dated 16.11.2026 and 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.

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6. Taking into consideration the facts and circumstances of the case, the period of incarceration suffered by the petitioner from 26.10.2026, the stage of investigation, the fact that the co-accused (A1) has already been granted bail by this Court in Crl.O.P.No.33458 of 2026 dated 16.11.2026, and the fact that the contraband seized is a small quantity of 43 grams 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 No.I, Poonamallee,** 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., for a period of 30 days and thereafter, as and when required for interrogation;
>
> [c] the petitioner shall not abscond either during investigation or trial;

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[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 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 No.I, Poonamallee.

2. The Superintendent, Sub Jail, Chennai.

3. The Inspector of Police, Ramapuram Police Station, Chennai.

4. The Public Prosecutor,
High Court of Madras.

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N.RAMESH

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