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Order QR

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.11.2026

CORAM

THE HON'BLE MR.JUSTICE N.RAMESH

CRL.O.P.No.34594 of 2026

CNR: {HCMA012846192026}

Kanikkairaj

Case QR

..Petitioner

Vs

The State Rep by The Inspector of Police,
S-8, Adambakkam Police Station,
Chennai District.
Crime No.428 of 2026.

..Respondent

PRAYER: To enlarge the petitioner on bail in Crime No.428 of 2026 on the file of the Respondent Police.

For Petitioner : Mr.V.Saravanan

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

ORDER

The petitioner, who is the sole accused, was arrested and remanded to judicial custody on 20.10.2026 for the alleged offences punishable under section 8(c) r/w 22(b) of the Narcotic Drugs and Psychotropic Substances (NDPS) Act, 1985 and Section 123 of BNS, 2023, in Crime No. 428 of 2026 on the file of the respondent police, and seeks bail.

2. The case of the prosecution is that on the date of occurrence, the respondent police intercepted the petitioner and, upon search, found him in

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illegal possession of 30 Diazepam tablets and 100 Tydol (Tapentadol) tablets without any valid prescription or licence, and seized the said contraband. Based on the same, the present case was registered against the petitioner.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and has been falsely implicated in this case by the respondent police for statistical purposes. He would further contend that the quantity of contraband allegedly recovered from the petitioner is an intermediate quantity, and hence the statutory bar under Section 37 of the NDPS Act is not attracted. He further submitted that the petitioner has been in judicial custody and is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prays for the grant of bail to the petitioner.

4. Per contra, the learned Government Advocate (Criminal Side) appearing for the respondent police opposed the bail petition and submitted that the petitioner is a habitual offender having 14 previous cases to his credit, including two previous cases under the NDPS Act. However, he fairly conceded that the contraband seized in the present case, namely 30 Diazepam tablets and 100 Tydol tablets does not fall under the commercial quantity, and that the major portion of the investigation is completed.

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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.

6. Considering the facts and circumstances of the case, the nature and quantity of the contraband seized from the petitioner (30 Diazepam tablets and 100 Tydol tablets), which is below the commercial quantity thereby not attracting the rigour of Section 37 of the NDPS Act, and taking note of the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner, subject to stringent conditions in view of his previous antecedents.

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,** each for a like sum to the satisfaction of the **learned Judicial Magistrate No.II, Alandur,** 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 twice at 10:30 A.M. and 5.30 P.M. until further orders;

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[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 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.

25.11.2026

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To

1. The Inspector of Police,
S-8, Adambakkam Police Station,
Chennai District.

2. The Judicial Magistrate No.II, Alandur.

3. The Superintendent,
Central Prison Puzhal, Chennai.

4. The Public Prosecutor,
Madras High Court.

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N.RAMESH, J.

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CRL.O.P.No.34594 of 2026

25.11.2026

https://www.mhc.tn.gov.in/judis