



CRL OP(MD)No.11199 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26.02.2026

PRESENT

THE HONOURABLE MRS. JUSTICE S.SRIMATHY

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S.Muthupandi

... Petitioner / Accused No.1

Vs

The State of Tamilnadu,
Rep by the Inspector of Police,
NIB-CID Police Station,
Trichy District.
(Crime No.17 of 2023)

... Respondent / Complainant

For Petitioner : Mr.M.Jegadeesh Pandian,
Advocate

For Respondent : Mr.T.Senthil Kumar,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :- Criminal Original Petition has been filed under Section 483 of the BNSS, to release the petitioner / Accused No.1 on bail in C.C.No. 61 of 2024 on the file of the learned Additional District and Sessions Judge, Special Court for Trial of E.C. and NDPS Act Cases, Pudukkottai.



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ORDER : The Court made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 06.12.2023 for the offences punishable under Sections 8(c) r/w 20(b) (ii) (C) of the NDPS Act @ Sections 8(c) r/w 20(b)(ii)(C), 25 and 29(1) of the NDPS Act, 1985, in Crime No.17 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 05.12.2023 at about 03.10 a.m., the Special Sub-Inspector of Police received secret information regarding drug trafficking in a train at the Railway Junction, Trichy. Based on the said information, the respondent police conducted an inspection at the Railway Junction at about 04.50 a.m. At that time, they noticed two persons, one of whom was carrying a black-coloured shoulder bag. On seeing the police, one of the persons allegedly handed over the shoulder bag to the other and fled from the place of occurrence. The police apprehended the person who was carrying the bag. On enquiry, he was identified as Muthupandi / petitioner and the person who



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fled away was identified as one Ranjith. Thereafter, the police proceeded to the car parking area, where they found two other persons. On noticing the police, one person fled away, while the other was apprehended. He was identified as one Chinnasamy. Subsequently, the respondent police seized 20.780 kilograms of Ganja from the petitioner and a mobile phone from Chinnasamy. Based on the same, a case was registered against four named persons, wherein the petitioner has been arrayed as Accused No.1. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the contraband was weighed along with the two bags. If the weight of the bags is excluded, the quantity of the contraband would fall within the intermediate category and not commercial quantity. Therefore, the rigours of Section 37 of the NDPS Act would not be applicable to the present case. Hence, he prayed for the grant of bail to the petitioner.

4. The learned Additional Public Prosecutor vehemently objected to the grant of bail to the petitioner, contending that the contraband seized in the present case falls within the category of commercial



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quantity. He further submitted that even if the weight of the bags is excluded, the quantity would still fall under commercial quantity since the bag would weigh only 200 grams each (totally 400 grams) and hence the contraband would not come under intermediate quantity. He also submitted that, if the petitioner is released on bail, there is a likelihood of his absconding and tampering with evidence.

5. As per the First Information Report, the respondent police seized two bags allegedly containing 20.780 kilograms of Ganja. Admittedly, the two bags were not weighed separately. Hence, there appears to be non-compliance with Rule 3 of the NDPS (Seizure, Storage, Sampling and Disposal) Rules, 2022. In view of the above, this Court is of the *prima facie* opinion that the actual quantity of contraband allegedly seized from the petitioner, if the weight of the bags is excluded, would fall below the commercial quantity, i.e., within the intermediate quantity. The petitioner has thus made out a *prima facie* case for grant of bail.



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6. The issue of weight of the Ganja was considered by the Learned Singel Judge vide order dated 15.10.2025 in Crl.A.(MD)No.212 of 2020 batch in the case of Ganesan Vs. the State, wherein it is held as per the definition of Ganja the flowering tops alone is considered as Ganja and that the seed, stem, bags ought to be excluded while weighing the Ganja. If weighed the flowering tops alone, the Ganja may reduce to intermediate quantity. Following the same this Court is of the considered opinion that in the present case if the bags weight is reduced then the quantity would become intermediate quantity.

7. It is made clear that the above observations are only for the limited purpose of deciding the present bail petition. These observations shall not, in any manner, prejudice the rights of the prosecution in establishing its case during trial.

8. Taking into consideration the above aspects and also taking into account the period of incarceration already undergone by the petitioner, this Court is inclined to grant bail to the petitioner, subject to certain conditions. Accordingly, bail is granted to the petitioner subject to the



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following conditions:

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9. Accordingly, the petitioner is ordered to be released on bail on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Additional District and Sessions Court / Special Court for Trial of EC and NDPS Act Cases, Pudukkottai, and on further conditions that:-

[a] the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b] the petitioner shall report before Trial Court at 10.30 a.m. and 05.00 p.m. until further orders. Relaxation will not be considered;

[c] the petitioner shall not tamper with the evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.



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[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner is 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)AIR SCW 5560].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 BNS.

(S S Y J)
26.02.2026

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To

- 1.The Additional District and Sessions Court /
Special Court for Trial of EC and NDPS Act Cases,
Pudukkottai.
2. The Superintendent,
Central Prison,
Trichy.
- 3.The Inspector of Police,
NIB-CID Police Station,
Trichy District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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S.SRIMATHY,J.

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ORDER
IN
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