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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.11.2026

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THE HON'BLE MR.JUSTICE N.RAMESH

CRL.O.P.No.31877 of 2026

CNR: {HCMA012586952026}

Ajaybutha

Case QR

..Petitioner

Vs

State rep by the Inspector of police,
P-3 Vyasarpadi police station, Chennai.
Crime No.372/2026

..Respondent

PRAYER: To enlarge the petitioner/Accused No.3 on bail in Crime No.372 of 2026 on the file of the respondent police, Inspector of police, P-3 Vyasarpadi Police Station, Chennai, pending trial on such terms and conditions.

For Petitioner : Mr.Nagarjunan.K

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

ORDER

This Criminal Original Petition has been filed by the petitioner / third accused seeking regular bail in connection with Crime No.372 of 2026 on the file of the respondent police, for the alleged offences punishable under Sections 8(c) r/w 20(b)(ii)(B) and 29(1) of the Narcotic Drugs and Psychotropic Substances (NDPS) Act, 1985.

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2. The case of the prosecution is that the petitioner (A3), along with other co-accused persons, was found in illegal possession of 1.200 kilograms of Ganja and a cash amount of Rs. 500/-, leading to the registration of the case against them.

3. The learned counsel appearing for the petitioner submits that the petitioner has been falsely implicated in this case and is entirely innocent of the allegations. He further submits that the petitioner has been undergoing continuous judicial custody since his arrest on 22.09.2026. He points out that the total quantity involved is 1.200 kgs of Ganja, which is an intermediate quantity and far below the commercial threshold. While acknowledging that the petitioner has fourteen previous cases registered against him, the learned counsel submits that the petitioner has already completed more than 40 days of continuous incarceration and is ready to abide by any stringent conditions imposed by this Court, and thus prays for the grant of bail.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police strongly opposed the grant of bail to the petitioner, highlighting his adverse antecedents with fourteen previous cases. He submits that the petitioner is a habitual offender and that releasing him would hinder the progress of the investigation. However, he concedes that the seized quantity of Ganja is 1.200 kgs, which falls under the intermediate category, and that the

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petitioner has been in continuous judicial custody since 22.09.2026.

5. Heard the submissions made by both sides and perused the materials available on record.

6. Considering the facts and circumstances of the case, the period of continuous custody undergone by the petitioner from 22.09.2026, and the fact that the contraband involved (1.200 kgs of Ganja) is an intermediate quantity, this Court is inclined to grant bail to the petitioner by imposing stringent conditions despite his previous antecedents to secure his regular presence.

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) with two sureties, each for a like sum to the satisfaction of the learned **X Metropolitan Magistrate, Egmore Court Chennai,** and on further conditions that:

> [a] the sureties shall affix his 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, 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.

03.11.2026

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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 X Metropolitan Magistrate, Egmore Court Chennai.

2. The Superintendent, Central Prison - II, Puzhal, Chennai.

3. The Inspector of police, P-3 Vyasarpadi police station, Chennai.

4. The Public Prosecutor,
High Court of Madras.

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