

(2026) 07 MAD CK 0213
In the Madras High Court, Madurai Bench
Case No : CRL OP(MD)No.15339 of 2026

Nainar Mohammed

APPELLANT

Vs

The State of Tamil Nadu

RESPONDENT

Date of Decision : 24-07-2026

Acts Referred:

Bharatiya Nagarik Suraksha Sanhita, 2023 — Section 483
Narcotic Drugs and Psychotropic Substances Act, 1985 — Section 8(c), 20(b)(ii)(A), 37
Juvenile Justice (Care and Protection of Children) Act, 2015 — Section 77

Citation : (2026) 07 MAD CK 0213

Hon'ble Judges : K.Rajasekar, J.

Bench : Single Bench

Advocate : For Petitioner: Mr.V.M.Jegadeesha Pandian, Advocate; For Respondent: Mr.T.Lenin Kumar, Counsel for State of TN (Crl. Side)

Final Decision : Allowed

Judgement

The petitioner / Accused No.2, who was arrested and remanded to judicial custody on 21.06.2026, for the offences punishable under Sections 8(c) and 20(b)(ii)(A) of Narcotic Drugs and Psychotropic Substances Act, 1985 and Section 77 of the Juvenile Justice (Care and Protection of Children) Act, 2015, in Crime No.225 of 2026 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that, acting on secret information, the respondent police found the accused in conscious possession of 175 grams of ganja. It is further alleged that the accused was in possession of the said contraband with the intention of selling it to school students. Hence, the FIR has been registered by the respondent police.

3. The learned counsel appearing for the petitioner submitted that the petitioner is innocent and though the petitioner has 14 previous criminal cases to his credit, he has been falsely implicated in the present case. He further submitted that the petitioner has not committed the offences alleged by the prosecution. He further submitted that the contraband involved in this case is not commercial quantity.

Hence, Section 37 of the NDPS Act is not applicable to this case. He is in custody from 21.06.2026 and ready to abide any condition imposed by this Court. Hence, he prayed bail for the petitioner.

4. Per contra, the learned Counsel for State (Criminal Side) reiterated the prosecution case and submitted that this is the second bail petition filed by the petitioner and that the earlier bail petition had already been dismissed by this Court. He further submitted that the investigation is still in progress. He also submitted that the petitioner has 14 previous criminal cases to his credit which are all IPC offences. In view of the petitioner's criminal antecedents, there is every likelihood of his indulging in similar offences if he is enlarged on bail. Therefore, he opposed the grant of bail to the petitioner.

5. This Court heard both sides and perused the materials available on record.

6. Considering the facts and circumstances of the case, the nature of the offence, the fact that the quantity of contraband involved is not a commercial quantity and, therefore, the rigour of Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985, is not attracted, and also taking into account the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner, subject to certain conditions.

[a] Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs. 20,000/- (Rupees Twenty Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate Court, Sankarankoil, Tenkasi District, and on further conditions that:

[b] the petitioner shall report before the jurisdictional Magistrate at 10.30 a.m., on all working days, for a period of three weeks, thereafter as and when required for interrogation;

[c] the petitioner shall not commit any offence similar to the offence of which he/she is accused, or suspected, or of the commission of which he/she is suspected;

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

[e] the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade her from disclosing such facts to the Court or to any police officer or tamper with the evidence;

[f] On breach of any of the aforesaid conditions, the learned Judicial 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 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 51730]***.

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