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CRL OP No. 19262 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-07-2026

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THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 19262 of 2026

Fahad Hassain

..Petitioner(s)

Vs

The Superintendent of Customs
RSI Unit-Airport,
New Custom House,
Meenambakkam,
Chennai - 600 016.
(R.R.21 of 2026)

..Respondent(s)

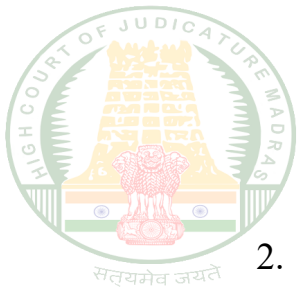
PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in R.R.No.21/2026 of Superintendent of Customs, Chennai on the file of the respondent officer

For Petitioner(s): M/S. Srikanth Kolla

For Respondent(s): MR.N.P.KUMAR,
SPL. PUBLIC PROSECUTOR

ORDER

The petitioner, who was arrested and remanded to judicial custody on 26.05.2026 for the alleged offence under Sections 8(c) r/w 20(b)(ii)(B), 23, 28 and 29 of NDPS Act in R.R.No.21/2026 on the file of the respondent officer, seeks bail.

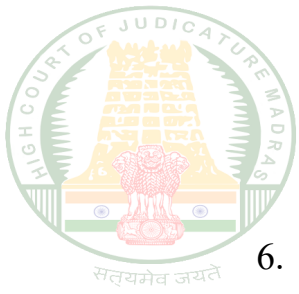


2. The case of the prosecution is that on 26.05.2026, based on the confidential information, the respondent officer went to the custom examination area and conducted due search. At that time, they found that the petitioner had illegally concealed and transported 10.114 Kgs of Ganja from Bangkok to Chennai by Air Asia Flight No.FD 153 on 20.05.2026 and the same has been seized by the respondent office. Hence, the case.

3. The learned counsel appearing for the petitioner submitted that the petitioner has been falsely implicated in the present case and that he has not committed any offence as alleged by the prosecution. He further submitted that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prays for grant of bail to the Petitioner.

4. Per contra, the learned Special Public Prosecutor appearing for the Respondent reiterated the prosecution case and submitted that the petitioner has been incarcerated since 26.05.2026, however, conceded that the petitioner has no criminal antecedents. He submits that this is a case of intermediate quantity. However, he opposed for grant of bail to the Petitioner.

5. I have given my anxious consideration to either side submissions and perused the materials available on record.



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6. Considering the facts and circumstances of the case; from the submissions made by learned Special Public Prosecutor, it is seen that this is a case of intermediate quantity and the petitioner has been incarcerated since 26.05.2026 and he has no criminal antecedents. The learned Special Public Prosecutor invited the attention of this Court that this petitioner also filed an application for bail before the Principal Special Court for EC and NDPS Act Cases, Chennai in CrI.MP.No.3537 of 2026.

7. At this juncture, the learned counsel for the petitioner submits that the said application has been filed without proper authorisation from the petitioner. In this regard, he has filed an affidavit of the petitioner/accused which is attested by Jailor, Central Prison, Puzhal, Chennai. Though the said application is pending before the Principal Special Court for EC and NDPS Act Cases, Chennai, the petitioner has come up with an affidavit stating that he has not at all given any authorisation to one Mr.Nikshan to file application. He would submit that mere pendency of the said application is no way affect in proceeding with the present application.

8. The learned counsel for the petitioner also produced copy of the Whatsapp chats where the counsel, who filed the said application did not incline to withdraw the same on account of non-payment of his fees. This Court do not



want to go into the dispute between the petitioner and the said Advocate.

However, the fact remains that the petitioner had stated on the affidavit that he has not engaged any other counsel to represent or to file bail application. Hence, in such circumstances, this Court is inclined to proceed with the matter. While looking into the factual position, this is being a case of intermediate quantity of 10 kgs of Ganja and the petitioner has been incarcerated since 26.05.2026 and he has no criminal antecedents. Hence, this Court is inclined to grant bail to the petitioner, subject to certain conditions.

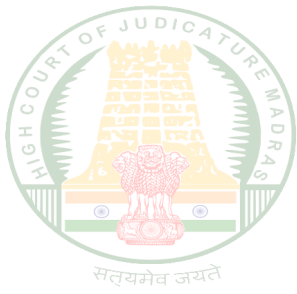
9. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with **two sureties each**, for a like sum to the satisfaction of the **learned Principal Special Court for EC and NDPS Act Cases, Chennai**, and on 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 their identity;

[b] the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders;

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

[d] the petitioner shall not tamper with the evidence or



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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.

23-07-2026

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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.

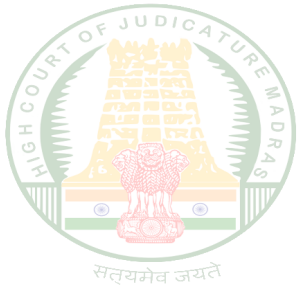
To:

1. The Principal Special Court for EC and NDPS Act Cases, Chennai,

2. The Central Prison, Puzhal, Chennai.

3. The Superintendent of Customs
RSI Unit-Airport,
New Custom House,
Meenambakkam,
Chennai - 600 016.

4. The Public Prosecutor, High Court of Madras



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C.KUMARAPPAN, J.

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