

CRL OP(MD). No.16866 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

RESERVED ON:11.09.2026

PRONOUNCED ON: 16.09.2026

PRESENT

THE HONOURABLE MR JUSTICE K.MURALI SHANKAR

CRL OP(MD) NO. 16866 of 2026

{CNR: HCMD011105982026}



Case QR

Mohamed Ali

... Petitioner/
Sole Accused

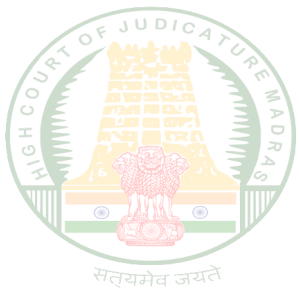
Vs

The Union of India
represented by
The Superintendent of Customs,
Air Intelligence Unit,
Trichy.
(O.R.No.130 of 2026). ... Respondent/

Complainant

For Petitioner : Mr.C.Narendren
Advocate.

For Respondent : Mr.S.Gurumoorthy
Special Public Prosecutor
for customs



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PETITION FOR BAIL Under Section 483 of B.N.S.S.

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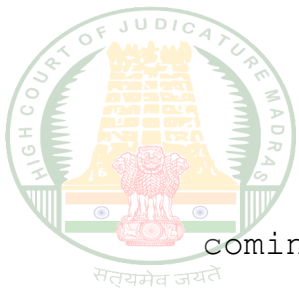
PRAYER :-

For Bail in O.R.No.130 of 2026 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole accused, who was arrested and remanded to judicial custody on 29.06.2026 for the offences punishable under Sections 8(c), r/w 20(b)(ii)(C), 23(C) and 28 of Narcotic Drugs and Psychotropic Substances Act, 1985 in O.R.No.130 of 2026 on the file of the respondent police, seeks bail.

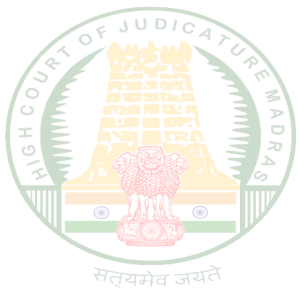
2. The case of the prosecution is that on 28.06.2026, the officers of the Air Intelligence Unit, Trichy International Airport were checking passengers arriving by Air Asia Flight No.AK29 from kuala Lumpur, which landed at about 11.30a.m., and the officers intercepted the accused while he was



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coming out through the Green Channel with his baggage, as they suspected that he might be carrying NDPS contraband, that on checking his passport and travel details, they found that the accused had travelled from Kuala Lumpur to Trichy and when his two checked-in trolley bags were examined, they allegedly found 1,00,000 sticks of Marlboro cigarettes were recovered and beneath specially fabricated false bottoms in both trolley bags, eight vacuum sealed transparent packets containing suspected Hydroponic weed / cannabis were recovered and the petitioner was arrested.

3. The case of the petitioner is that he is innocent and he never committed any offence as alleged by the respondent, that the respondent police only with an intention to keep the petitioner behind the bars, had come with with a cooked up concocted story implicating the petitioner in the present case, that the petitioner is not present in the scene of occurrence and that the petitioner was falsely implicated for statistical purpose.



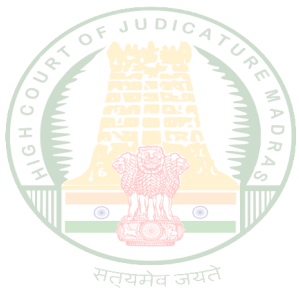
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4. The learned Counsel for the petitioner would mainly contend that the substance allegedly recovered is 6.208kgs of Hydroponic Ganja (Hydroponic Weed the quantity is below the commercial quantity of 20kgs prescribed under the NDPS Act, that the petitioner has been in judicial custody from 28.06.2026, that he has no previous case and that since the alleged contraband seized is of intermediate quantity, he may be released on bail.

5. The learned Counsel for the petitioner placed reliance on the order of this Court in CrI.O.P. (MD)No.18133 of 2026, dated 02.09.2026 and the relevant passages are extracted hereunder:

*"5. The learned counsel appearing for the petitioner placed reliance on the judgment of the Orissa High Court in **Kizakkekalayil Anujikumar Anujith v. Union of India**, reported in **2026 SCC OnLine Ori 460**, wherein, in respect of the recovery of*



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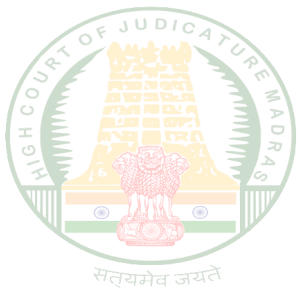


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3.990 kgs of Hydroponic Weed/Marijuana (ganja), the High Court observed that, irrespective of the nomenclature used, if the contraband is treated as ganja, the notified commercial quantity thereof is 20 kgs. Since the quantity allegedly recovered in that case was only 3.990 kgs, it was held to fall within the intermediate quantity and, consequently, the rigour of Section 37 of the NDPS Act was held not to be attracted.

6. The learned Special Public Prosecutor for Customs would submit that the petitioner was intercepted at Airport after landing and 5.020 kg of green-coloured substance suspected to be hydroponic weed/ganja was recovered from his possession. He would further submit that the hydroponic weed contains substantial higher concentration of Tetrahydrocannabinol (THC), has much greater intoxicating effect than ordinary ganja and therefore, the quantity involved to be treated as commercial quantity.

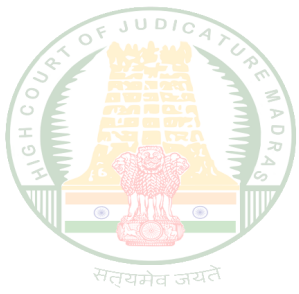
7. The learned Special Public Prosecutor placed reliance on the two decisions of Rajasthan High Court (i) **Karan Mehra Vs.**



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Union of India (Customs Department, Jaipur)
through Special PP in S.B.Criminal
Miscellaneous Bail Application No.8926/2025,
dated 07.10.2025 and (ii) in **Kuldeep Singh**
Vs. D.R.I., through Special P.P. in
S.B.Criminal Miscellaneous Bail Application
No.13353/2025, dated 27.11.2025, wherein in
Karan Mehra's case, it was observed that
Hydroponic Weed is a specialised and highly
potent form of cannabis, often cultivated in
foreign countries under controlled
conditions to significantly increase its THC
content and the high potency of the said
drug makes it particularly appealing to the
youth, creating a grave social problem and
the said substance in its concentrated form,
poses a direct threat to the mental and
physical health of young people often
leading to addiction, mental health issues
and a spiral into criminal activities. In
Kuldeep Singh's case referred above, it was
observed that the content of
Tetrahydrocannabinol (THC) in the recovered
narcotic substance is approximately 25% as
compared to 2% THC in ordinary ganja and
that the intensity of the recovered narcotic
substance is much more than that of the



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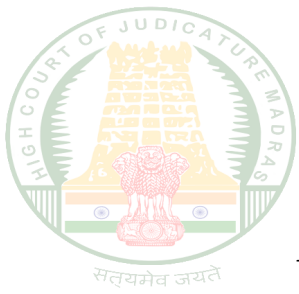


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ganja and on the said grounds, the bail came to be rejected.

8. In the present case, admittedly, the chemical analysis report in respect of the recovered contraband has not yet been received and as such, there is no scientific material to show the actual composition of the seized substance or the percentage of THC allegedly contained therein. No doubt, it is very serious to notice that the contraband was allegedly brought from abroad and was recovered from the petitioner at the Airport. There is no dispute with regard to the fact that the hydroponic weed is very potent on account of its higher THC, but at the same time, the potency of substance and its classification for the purpose of determining the nature of the quantity ie., small, intermediate or commercial quantity are important aspects and the same has to be determined with reference to the provisions of the NDPS Act and the notification issued thereunder.

9. It is pertinent to note that Section 2(iii)(b) of NDPS Act defines ganja as the flowering or fruiting tops of the cannabis



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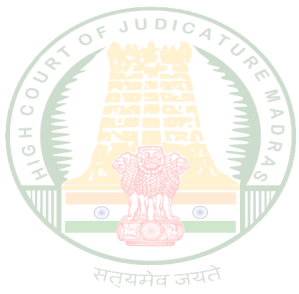


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plant (excluding the seeds and leaves when not accompanied by the tops), "by whatever name they may be known or designated."

As rightly contended by the learned Counsel for the petitioner, the mere nomenclature of a substance as "hydroponic weed" cannot by itself, be decisive of its classification under the NDPS Act. More importantly, in the absence of the chemical analysis report, the contention of the prosecution that the substance seized from the petitioner contains such concentration of THC and hence, the same has to be treated as commercial quantity, cannot be accepted.

10. If the substance seized from the petitioner is treated as ganja falling under Section 2(iii)(b) of NDPS Act, the commercial quantity prescribed therefor is 20kgs, whereas the quantum allegedly recovered from the petitioner is only 5.20kgs. The mere contention of the prosecution that the substance hydroponic weed contains a higher tetrahydrocannabinol, cannot in the absence of the chemical analysis report, be sufficient to apply the commercial quantity criteria. Consequently, at the present stage and for the purpose of



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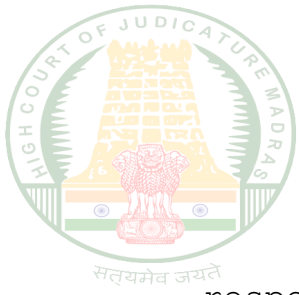
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considering the bail plea, this Court is not inclined to apply the statutory embargo under Section 37 of the NDPS Act.

6. Considering the above facts and circumstance, more particularly, the quantity of the substance allegedly recovered, the fact that the chemical analysis report is yet to be received, the petitioner's incarceration from 28.06.2026 and that the petitioner has no previous cases, this Court is inclined to grant bail to the petitioner, subject to the following conditions:

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 Judicial Magistrate No.I, Trichy;

(i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;



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(ii)the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

(iii)the petitioner shall not tamper with evidence or witness;

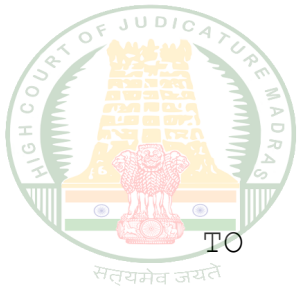
(iv)the petitioner shall not abscond during trial;

(v)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 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]**;

(vi)If the accused thereafter abscond, a fresh FIR can be registered under Section 269 BNS, 2023.

(K M S J)
16.09.2026

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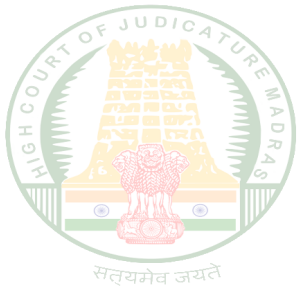


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TO

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1. The Judicial Magistrate No.I, Trichy.
2. The Superintendent,
Central Jail,Tiruchirappalli.
3. The Superintendent of Customs,
Air Intelligence Unit,
Trichy.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
5. The Special Public Prosecutor for CBI cases,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR, J

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PRE-Delivery Order made in
CRL OP (MD) No.16866 of 2026

16.09.2026