



WEB COPY

CRL OP No. 10376 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-07-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 10376 of 2026

A.Abdul Wajid

..Petitioner(s)

Vs

The State Rep by
The Inspector of Police
Sulur Police Station,
Coimbatore.
Crime No.760 of 2024.

..Respondent(s)

Prayer:- Criminal Original Petition is filed under Section 483 of BNSS, 2023, pleaded to enlarge the petitioner on bail pending in CC No.61 of 205 on the file of the Learned Additional District Judge/Presiding Officer, Special Court for EC Act Cases, Coimbatore.

For Petitioner(s):

Mr.R.Vivekananthan

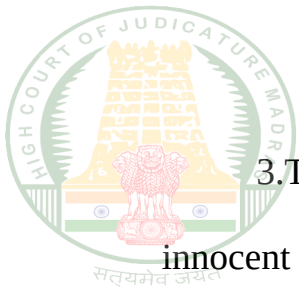
For Respondent(s):

Mr.S.Yogaraja Sekar, Government Advocate
(Criminal Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 14.10.2024 for the alleged offences under Sections 8 (c) r/w 20 (b) (ii) (C), 29(1) of the NDPS Act, 1985, in Crime No.760 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner, along with other accused was found in illegal possession of 22 kgs of Ganja. Hence the case.



3. The learned counsel for the petitioner submitted that the petitioner is innocent and has been in custody since 14.10.2024. He further submitted that there are about three accused and the petitioner is arrayed as A2. The total recovery is 22kg of Ganja. The learned counsel for the petitioner contended that the prosecution relies mainly upon the confession statement, beyond this confession, there are no materials against the petitioner. In this regard the learned counsel for the petitioner relied upon the deposition of P.W.1 who was examined on 10.10.2025 and thereafter no other witnesses have been examined for the past eight months.

4. He invited the attention of this Court to the cross examination of P.W.1 (the complainant, according to the prosecution), who categorically stated during his cross-examination that except for the confession of the first accused, there are no materials to implicate the petitioner. Although P.W.1 denied the suggestion that there were no materials to link the petitioner along with A1, a harmonious reading of the deposition would only disclose that the very confession of this accused discloses about his involvement.

5. Therefore, it is the contention of the learned counsel for the petitioner that except for the confession, no other material exists. He also submitted a copy of the charge sheet. There were no witnesses examined to prove call details or a money trail. Based on these grounds, the learned counsel for the

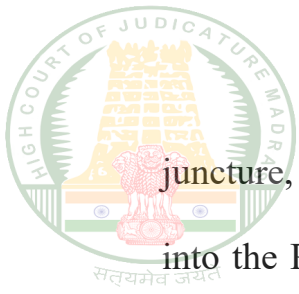


petitioner submitted that they have made out a reasonable case to overcome the rigor under Section 37 of the NDPS Act. Hence, he prays to grant bail to the petitioner.

6. Per contra, the learned Government Advocate (Criminal Side) appearing for the respondent police submitted that the confession statement reveals a concerted act by the three accused. He stated that at the time of recovery of contraband from A1, the petitioner was standing nearby. Therefore, the very conduct of the petitioner establishes a presumption of involvement. He further submitted that since this case involves a commercial quantity, the contentions of the petitioner is not suffice to overcome the rigor under Section 37 of the NDPS Act. Hence, he strongly opposed for grant of bail to the petitioner.

7. I have given my anxious consideration to the submissions made by the learned counsel on either side and perused the materials available on record.

8. It is undisputed that the petitioner was remanded to judicial custody on 14.10.2024. This case involves the recovery of a commercial quantity (22 kg of Ganja). Admittedly, there was no recovery made from the petitioner, as the entire recovery was from A1. It is also undisputed that P.W.1 was examined in October 2025, and no other witnesses have been examined since then. At this



At this juncture, it is relevant to point out the statement made by P.W.1. While looking into the P.W.1's statement, it reveals that the petitioner has been implicated in this case solely based on the confession statement.

9. At this juncture, the learned counsel for the petitioner submitted a copy of the memo of evidence. A perusal of the memo of evidence reveals that no witnesses have been cited to prove call details and also there are no witnesses cited to speak about money trail and also no documents referred to substantiate such aspect. Therefore, considering that there was no recovery from the petitioner and that the petitioner has been implicated solely based on a confession statement, this Court is of the firm view that the petitioner has overcome the rigor under Section 37 of the NDPS Act as per the ratio laid down by the Hon'ble Supreme Court in *Tofan Singh Vs. State of Tamil Nadu* reported in **2021 (4) SCC 1**.

10. Further, the petitioner has been incarcerated since 14.10.2024. During this tenure, only one witness was examined in the Month of October 2025 and no other witnesses have been examined since then. In view of these circumstances, this is a fit case to enlarge the petitioner on bail as there are reasonable case to overcome the rigour under Section 37 of NDPS Act. Hence, this Court is inclined to grant bail to the petitioner with certain conditions.



11. 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) **(one shall be a blood relative surety and the other shall be a local surety)**, with two sureties each for a like sum to the satisfaction of the learned **Additional District Judge / Presiding Officer, Special Court for Essential Commodities Act / NDPS Act Cases, Coimbatore**, and subject to the following conditions:

[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 daily morning at 10.30 a.m. until further orders;**

[c] **the petitioner shall surrender his passport before the Investigating Officer forthwith and shall not leave the country without obtaining prior permission from the jurisdictional Trial Court. In the event the petitioner is not in possession of a passport, he shall file an affidavit before the Trial Court to that effect.**

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

[e] the petitioner shall not tamper with the evidence or witness either during investigation or trial;

[f] on breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to take appropriate



WEB COPY



action against the petitioner in accordance with law as if the conditions had been imposed and the petitioner released on bail by the learned Magistrate/Trial Court itself, as laid down by the Hon'ble Supreme Court in ***P.K.Shaji vs. State of Kerala [(2005)13 SCC 283]***;

[g] if the petitioner thereafter abscond, a fresh FIR may be registered under Section 269 of the Bharatiya Nyaya Sanhita, 2023.

06-07-2026

ep

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 Additional District Judge / Presiding Officer,
Special Court for Essential Commodities Act /
NDPS Act, Cases, Coimbatore.

2.The Superintendent of Prison,
Central Prison, Coimbatore.

3.The Inspector of Police
Sulur Police Station,
Coimbatore.

4.The Public Prosecutor
High Court of Madras.



WEB COPY

CRL OP No. 10376 of 2



C.KUMARAPPAN, J.

EP

CRL OP No. 10376 of 2026

06-07-2026