



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-07-2026

CORAM

THE HON'BLE MR JUSTICE G.K. ILANTHIRAIYAN

CRL OP No. 17929 of 2026

1. Thangapandi
2. Vinayagam

..Petitioners

Vs

State Rep.by
The Inspector of Police,
PEW Gopichettipalayam Police Station,
Erode. Crime No. 31/2026.

..Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners/4th and 5th accused on bail in C.C.No.353 of 2026 on the file of the respondent police.

For Petitioners:

Mr.S.Kasirajan

For Respondent:

Mr.S.Yogaraja Sekar
Counsel for Government of Tamilnadu
(Criminal Side)

ORDER

The petitioners/A4 & A5, who were arrested and remanded to judicial custody on 20.01.2026 for the alleged offences under Sections 8(c), 20(b)(ii) (C), 25 and 29(1) of the Narcotic Drugs and Psychotropic Substances Act, 1985, in Crime No.31 of 2026 on the file of the respondent police, seeks bail.



2. The case of the prosecution is that, on receipt of secret information, the respondent police intercepted a container lorry on 20.01.2026 near Pavali Periya Vaikkal. During the search, ganja weighing 31.200 kilograms was allegedly recovered from the accused persons, including 1.500 kilograms each from A4 and A5/petitioners.

3. The learned counsel appearing for the petitioners would submit that the petitioners were arrested at about 11.25 a.m. on 20.01.2026, whereas the seizure was effected only at about 5.20 p.m. from A4 and 6.25 p.m. from A5. Therefore, the prosecution has failed to explain the discrepancy between the arrest and the alleged recovery of the contraband. It is further submitted that only 1.500 kilograms of ganja was allegedly recovered from each of the petitioners. The learned counsel would further contend that the mandatory provisions of Section 47 of the BNSS have not been complied with, as the grounds of arrest were neither served on the petitioners nor communicated to their relatives. Hence, according to the learned counsel, the petitioners satisfy the twin conditions contemplated under Section 37 of the NDPS Act. Hence, he prayed for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police opposed the bail application and submitted that there are five accused in the case and the petitioners are arrayed as A4 and A5. The total



quantity of contraband recovered is 31.200 kilograms of ganja, which is commercial quantity. It is submitted that the grounds raised by the petitioners can be considered only during trial. It is further submitted that the petitioners have failed to satisfy the twin conditions under Section 37 of the NDPS Act.

5. I have given anxious consideration to the submissions made by the learned counsel on either side.

6. On a perusal of the FIR, it is seen that based on secret information, the respondent police formed a team and proceeded to the place of occurrence. All the accused persons were found in possession of the contraband at about 7.00 a.m. Search memos were issued between 7.00 a.m. and 9.30 a.m. However, the seizure mahazar shows that the contraband was seized only at about 5.20 p.m. from A4 and 6.25 p.m. from A5. A further perusal of the arrest memo reveals that the petitioners were arrested at 11.25 a.m., alleging that they were already in possession of the contraband. There is absolutely no explanation from the respondent regarding the discrepancy between the time of arrest and the subsequent seizure of the contraband. *Prima facie*, this creates a serious doubt regarding the prosecution version. Apart from that, each of the petitioners is alleged to have been in possession of only 1.500 kilograms of ganja, they have no previous criminal antecedents and they have been in judicial custody from 20.01.2026. In such circumstances, this Court is inclined to enlarge the



petitioners on bail, subject to certain conditions.

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7. Accordingly, the petitioners shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) by way of Demand Draft to the ***Arignar Anna Memorial Cancer Hospital & Research Institute, Kancheepuram*** and on such deposit, the petitioners are ordered to be released on bail on their executing a separate bond for a sum of Rs.25,000/- (Rupees Twenty-Five Thousand only), with two sureties each (out of which one surety must be a blood related surety) for a like sum each to the satisfaction of the **learned IV Additional Special Judge for 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 petitioners shall report before the Trial Court concerned daily at 10.30 a.m. for a period of four weeks and thereafter on all hearing dates without fail;

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

[d] the petitioners shall not tamper with the evidence or witness either during investigation or trial;

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



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action against the petitioners in accordance with law as if the conditions had been imposed and the petitioners 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]***;

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

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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 IV Additional Special Judge for NDPS Act cases at Coimbatore.
2. The Central Prison, Puzhal.
3. The Inspector of Police, PEW Gopichettipalayam Police Station, Erode.
4. The Public Prosecutor, High Court of Madras.



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G.K.ILANTHIRAIYAN, J.

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