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IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DDATED: 21-08-2026**

CORAM

**THE HON'BLE MR.JUSTICE N.RAMESH**

**CRL OP No. 20495 of 2026**

Ivan Kabonge

..Petitioner

Vs

State Rep.by,  
The Inspector of Police,  
PEW, Coimbatore City,  
Coimbatore.  
Cr. No.339 of 2024

..Respondent

**PRAYER :** Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge him on bail pending in CC.No.168 of 2025 pending on the file of Honble Additional District Judge/ Presiding Officer, Special court for EC Act Cases, Coimbatore.

For Petitioner:

M.G.Martinmanivannan

For Respondent:

Public Prosecutor

**ORDER**

The petitioner, who was arrested and remanded to judicial custody on 12.07.2024 for the alleged offences under Sections 8(c), 22(c), & 29(1) of NDPS Act along with section 14 of Foreigners Act in Crime No.339 of 2024 on the file of the respondent police, seeks bail.

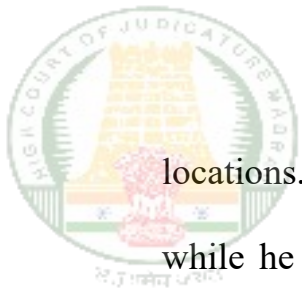
2. The case of the prosecution is that on 17.05.2024 at about 15.45 hours,



while Tr. A. Saravanan, Special Sub-Inspector of Police, was on station duty, he received reliable secret information regarding the illegal transportation of a narcotic substance. Upon receipt of the said information, he along with his police personnel, proceeded to the place of occurrence, viz., near Pioneer Steel Corporation, Kovundan Palayam road. The said police parties identified the accused persons, namely A6, A10, A11 and A12, who were travelling in two-wheelers bearing Registration Nos. TN 11 P 8703, TN 66 Q 2911, and TN 66 Q 5124. Thereupon, the respondent police intercepted the said vehicles, stopped them, and apprehended the above said accused persons. On conducting a search in accordance with law, the police recovered 63 grams of Methamphetamine powder and 1.100 kgs of ganja from the possession of the accused person.

3. The accused persons were arrested and their confession statements were recorded which discloses that the accused persons had purchased the above said contraband from one Ivan Kabonge in the State of Karnataka. Based on the above, the case was registered in Crime No.339 of 2024, u/s. 8(c) r/w 20(b)(ii) (B), 22(C), 25, 29(1) of NDPS Act against accused persons on 18.05.2024.

4. It is further submitted A-3 was arrested on 02.06.2024 at Hosur, and his confession revealed that he was procuring methamphetamine powder from Ivy Bonuke/A2, a Kenyan national through WhatsApp-coordinated delivery



locations. Ivy Bonuke/A2 was accordingly arrested on 03.06.2024 at Hosur while he had come to deliver methamphetamine powder to Praveenkumar/A3 pursuant to instructions allegedly given by the petitioner Ivan Kabonge/A1, who was then lodged in Parappanahalli Agraharam Central Prison, Karnataka. The Investigating officer also collected incriminating WhatsApp messages, chat details and video-call records connecting the petitioner with the said transaction.

5. Based on the above evidence, the petitioner/Ivan Kabonge was formally arrested in the present case on 12.07.2024 while he was confined in the said Central Prison, pursuant to the P.T. Warrant issued by the learned Additional District Judge, Special Court for E.C. Act Cases, Coimbatore, he was produced before the said Court on 26.07.2024 and remanded to judicial custody. Thereafter, he was taken into police custody on 01.08.2024, his confession statement was recorded, and he was produced before the Court on 02.08.2024 and remanded to judicial custody.

6. Upon completion of the investigation, the respondent police altered the sections to 8(c) r/w 20(b)(ii)(B), 22(C), 25, 29(1) of NDPS Act & 14 Foreigners Act. Subsequently, charge sheet was filed on 25.10.2024 before the learned I Additional District Judge (EC Court), Coimbatore and taken on file in CC.No.168 of 2025. A total of 25 witnesses have been cited in the charge sheet and the case is presently posted for 07.09.2026 as NBW is pending against A8.



7. The learned counsel for the petitioner submitted that the petitioner has been implicated only based on the confession statement of the co-accused and that there is no material available to link the petitioner with other persons who were found in possession of the contraband. Though there are 63 previous cases pending against the petitioner, those cases are under the provisions of 420 IPC and 66C of IT Act and not under NDPS Act. He further submitted that there is no seizure of contraband from the petitioner and that all the other co-accused have already been released on bail. Hence, this petitioner has filed this petition seeking bail.

8. The learned counsel for the petitioner invited the attention of this Court to the judgments of the Hon'ble Supreme Court in the cases of ***State by (NCB) Bengaluru vs. Pallulabid Ahmad Arimutta & another*** reported in **2022(12) SCC 633** and in the case of ***State of West Bengal vs. Rakesh Singh @ Rakesh Kumar Singh*** reported in **2022(19) SCC 306**. In **2022 (12) SCC 633**, the learned counsel relied upon,

*10. It has been held in clear terms in Tofan Singh V. State of Tamil Nadu (2021) 4 SCC 1 4SCC 1, that a confessional statement recorded under Section 67 of the NDPS Act will remain inadmissible in the trial of an offence under the NDPS Act. In the teeth of the aforesaid decision, the arrests made by the petitioner-*



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*NCB, on the basis of the confession/voluntary statements of the respondents or the co-accused under Section 67 of the NDPS Act, cannot form the basis for overturning the impugned orders releasing them on bail. The CDR details of some of the accused or the allegations of tampering of evidence on the part of one of the respondents is an aspect that will be examined at the stage of trial. For the aforesaid reason, this Court is not inclined to interfere in the orders dated 16th September, 2019, 14th January, 2020, 16th January, 2020, 19th December, 2019 and 20th January, 2020 passed in SLP (Crl.) No@ Diary No. 22702/2020, SLP (Crl.) No. 1454/2021, SLP (Crl.) No. 1465/2021, SLP (Crl.) No. 1773-74/2021 and SLP (Crl.) No. 2080/2021 respectively. The impugned orders are, accordingly, upheld and the Special Leave Petitions filed by the petitioner-NCB seeking cancellation of bail granted to the respective respondents, are dismissed as meritless.*

9. The learned Govt Advocate (Crl.Side) reiterated the prosecution case and submitted that the petitioner is a foreign national who belongs to Uganda who is the main supplier of contraband and that contraband in this case is commercial quantity and that the petitioner has 63 previous cases pending against him. He further stated that though the petitioner was lodged in prison, he is the main person who operated the cartel and running the cartel while being in prison. He further submitted that this is the 5<sup>th</sup> bail application filed by this petitioner before this Court. The contraband was seized in this case is commercial quantity and it attracts section 37 of NDPS Act, in such case, the



petitioner has to satisfy the twin conditions under Section 37 of the Act. Hence, he opposed the grant of bail to the petitioner.

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10. Heard the learned counsel appearing for the petitioner, the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record.

11. Recently, the Hon'ble Supreme Court of India in its judgment in the case of *Union of India vs. Chidiebere Kingsley Nawchara & Others*, reported in **2026 INSC 870** delivered on 17.08.2026. In the referred judgment, the Hon'ble Supreme Court has cancelled the regular bail of Nigerian national , who is the accused in commercial quantity of heroin smuggling case, who vanished using completely fictional sureties. Exercising its plenary powers under Article 142 of the Constitution, the Supreme Court issued strict, legally binding national wide guidelines to eliminate fake sureties and stop foreign national accused under NDPS Act from absconding.

12. Though, no recovery has been shown as against this petitioner, considering the allegation that he is the key person who is operating and running the cartel while being in prison and that the total quantum of contraband involved is commercial quantity, the rigour under section 37 of NDPS Act will be applicable. The petitioner has not produced any material to



satisfy the twin conditions that there are reasonable ground to believe that the accused was not guilty. Further considering that the petitioner is a foreign national and that in the event of his release, if he escapes, it will be very difficult to apprehend him and make him available for trial.

13. Accordingly, this Criminal Original Petition stands dismissed.

**21-08-2026**

SHL

To:

1. The Inspector of Police,  
PEW, Coimbatore City,  
Coimbatore.

2. The Public Prosecutor  
High Court of Madras



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**N.RAMESH J.**

**SHL**

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