

CRL OP(MD). No.10730 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 06/07/2026

CORAM

THE HONOURABLE MR. JUSTICE K. RAJASEKAR

CRL OP(MD). No.10730 of 2026

Nallarasu

... Petitioner/ Accused No.4

Vs

State of Tamilnadu Rep by,
The Inspector of Police,
Kottampatti Police Station,
Madurai District.
Crime No.11 of 2025.

... Respondent/ Complainant

PRAYER :-

To enlarge the petitioners on bail in C.C. No.239 of 2025 on the file of the Principal Special Court for Narcotic Drug and psychotropic Substances Act Cases, Madurai District for the offences under Section 8(c), 20(b)(ii)(B), 29(1) of NDPS Act

For Petitioner : Mr.Lenin K,
Advocate.

For Respondent : Mr.T.Lenin Kumar,
Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody



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on 17.01.2025 for the alleged offence under Sections 8(c), 20(b)(ii)(B), 29(1) of NDPS Act, in Crime No.11 of 2025 on the file of the respondent police, seeks bail.

2. The allegation against the petitioner is that, based on prior information on 17.01.2025, at about 15.00 hours, the respondent police went near Mollamalai on Karunkalakudi-Kambur road and mounted surveillance. On seeing the police party, the accused tried to escape from the place of occurrence. However, they nabbed them, and on search, they found that the accused were in possession of 22.950 kg of ganja. After complying with the mandatory legal provisions, the property was recovered and case has been registered against the accused.

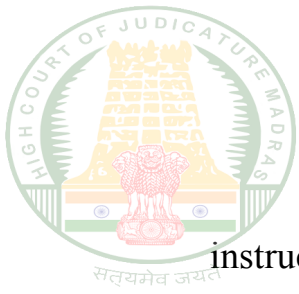
3. The learned counsel appearing for the petitioner submitted that the petitioner is innocent and he has not committed any such offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that this is the third bail petition and the first petition filed by the petitioner in Crl.OP(MD)No.8482 of 2025 was dismissed by this Court on 29.08.2025 and the second petition in



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Crl.OP(MD)No.16953 of 2025 was withdrawn by the petitioner on 16.02.2026. He further submitted that the contraband recovered from the petitioner is 4.950 kg of ganja, which is not a commercial quantity. However, the contraband seized from the other accused has also been clubbed together and termed as a commercial quantity. He further submitted that this Court while granting bail to the co-accused in Crl.OP(MD)No.12505 of 2025 and Crl.OP(MD)No.21829 of 2025 vide order dated 25.03.2026 & 15.04.2026 respectively, has observed that the seizure of alleged possession and other facts are not related to each other. Hence, it cannot be construed that the accused were in joint possession of the entire 22.950 kg of ganja. Consequently, for the purpose of considering the bail application, the quantity attributable to the petitioner is liable to be treated as an intermediate quantity, and the petitioner is therefore entitled to the benefit of bail. Hence, he prayed this Court to grant bail to the petitioner.

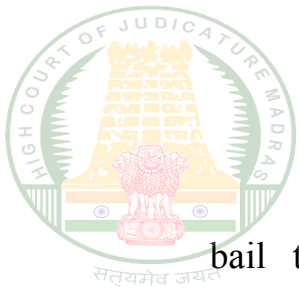
4. The learned Government Advocate (Criminal Side), appearing for the respondent police, reiterated the prosecution case and on



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instructions, submitted that already charges were framed and the matter is posted for trial on 07.07.2026 and though the co-accused were already granted bail, since the petitioner herein was absconding, a non-bailable warrant has been issued as against him, and subsequently arrested and if he is released on bail, there is a likelihood of absconding. He further submitted that earlier bail petition filed by the petitioner was dismissed by this Court vide order dated 29.08.2025 in CrI.OP(MD)No.8482 of 2025 and subsequently, the he has also approached the Hon'ble Apex Court and subsequently, withdrew the same. Hence, he opposed to grant bail to the petitioner.

5. This Court carefully considered the order passed by this Court in CrI.OP(MD)No.12505 of 2025 and CrI.OP(MD)No.21829 of 2025 wherein, this Court has specifically held that the contraband recovered from each accused at the time of search and seizure differs and unconnected with the each persons. Hence, it could not be termed as joint possession and the contraband seized from the petitioner is not at all fall with in the ambit of definition of commercial quantity. Though the earlier petition filed by the petitioner was dismissed, the reason while granting



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bail to the co-accused squarely applicable to the petitioner also.

Admittedly, the contraband recovered from the petitioner is 4.950 kg. In the earlier order, this Court has not dealt with the question *whether the possession of the ganja allegedly recovered from the petitioner is also constructively possessed by other accused or not?* and since this Court while granting bail to the co-accused already held that the co-accused were not in constructive possession of ganja and the same benefit is extended to the petitioner herein. Accordingly, this Court is inclined to grant bail to the petitioner, subject to the following conditions.

[a] 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**, for a like sum to the satisfaction of the **Principal Special Court for Narcotic Drugs and Psychotropic Substances Act Cases, Madurai District**, and on further conditions that:

[b] the petitioner shall report before the trial Court daily at 10.30 a.m., for a period of six weeks and thereafter, as and when required for



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interrogation;

[c] 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]**;

[d] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

06.07.2026

dss



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To:

1. The Principal Special Court for Narcotic Drugs and Psychotropic Substances Act Cases, Madurai District.
2. The Inspector of Police,
Kottampatti Police Station, Madurai District.
3. The Superintendent, Central Prison, Madurai.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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K. RAJASEKAR,J

DSS

ORDER
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