

Crl.O.P.(MD)No.10781 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14.07.2026

PRESENT

THE HONOURABLE MR. JUSTICE K. RAJASEKAR

CRL OP(MD). No. 10781 of 2026

Suresh

...Petitioner

Vs

State of Tamil Nadu rep. by
The Inspector of Police,
Dindigul Taluk Police Station,
Dindigul District.
(Crime No.520 of 2023)

...Respondent/Complainant

For Petitioner : Mr.K.Subburaj
Advocate

For Respondent : Mr.T.Lenin Kumar
Counsel for State of TN (Crl. Side)

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Cr.No. 520 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner / Accused, who was arrested and remanded to judicial custody on 13.06.2024, for the offences punishable under Sections 8(c) r/w. 20(b)(ii)(C), 29(1) and 25 of NDPS Act, in Crime No.520 of 2023 on the file of the respondent police, seeks bail.



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2. The allegation against the petitioner is that the petitioner is ranked as A6. On 22.09.2023, on prior information, the police intercepted A1 to A5 while they were transporting 21 kilograms of ganja. On seeing the police, A1 and A5 allegedly fled from the scene, whereas the other accused were apprehended and contraband was recovered from them. During interrogation, the arrested accused allegedly disclosed that they had procured the ganja from the petitioner (A6) near the bypass at Batlagundu, Dindigul District and were transporting it. Based on the confession statements of the co-accused, the petitioner was arrayed as A6. Since he was already in judicial custody in another case, he was formally arrested in the present case. After completion of the investigation, the final report has been filed, the case is pending for trial, and it is presently at the stage of framing of charges.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he was falsely implicated in this case and he has not committed any offence as alleged by the prosecution. He would further submitted that the petitioner has been implicated solely on the basis of the confession statements of the co-accused and that no material evidence has been produced against him before the trial Court. There is no recovery from the



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petitioner. He further submitted that the previous cases relied upon by the prosecution were also registered on the basis of similar confession statements of the co-accused. He was never caught while transporting the granja. According to the learned counsel, owing to the petitioner's criminal antecedents, the present false case has been foisted merely to prevent him from securing his release. The petitioner has been in incarceration for nearly two years, there has been no substantial progress in the trial, and he is ready to cooperate with the trial proceedings. Hence, he seeks the grant of bail.

4. The learned Counsel appearing for the State reiterated the prosecution case and reported that the petitioner is involved in 25 criminal cases, out of which six are under the NDPS Act. He is a habitual offender. Therefore, Principle of Section 37 of the NDPS Act apply, and he is not entitled to the relief of bail. Hence, he opposed the grant of bail to the petitioner.

5. This Court heard both sides and perused the materials available on record.

6. This Court has considered the rival submissions and perused the materials available on record, including the list of previous cases filed by the

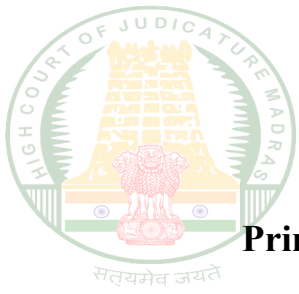


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prosecution. It is seen that the petitioner is involved in several criminal cases,

including cases under the NDPS Act, all are registered on the basis of the confession statement of the co-accused. However, in the present case, no contraband was recovered from the petitioner, and the only material relied upon by the prosecution is the confession statement of the co-accused. The Hon'ble Supreme Court in **Tofan Singh Vs State of Tamil Nadu** has declared that statement recorded under Section 67 of NDPS Act or the statement recorded by police alone is not sufficient to link the accused with the contraband. Since, there is no material or prima facie evidence available against the accused, except the confession relied on by the prosecution to link the accused, I am of the view that the first limb of Section 37 of NDPS Act has been satisfied by the petitioner herein, and though it is stated that petitioner is involved in other cases, in all the cases, the petitioner was arrayed accused on the same day and prior to arresting the accused in this case he has not involved in any similar offences. Hence, 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 condition to execute a bond for a sum of Rs.20,000/- (Rupees Twenty Thousand only) with two sureties each for a like sum to the satisfaction of the learned **Additional District and Sessions Judge,**



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Principal Special Court for EC and NDPS Act Cases, Madurai,

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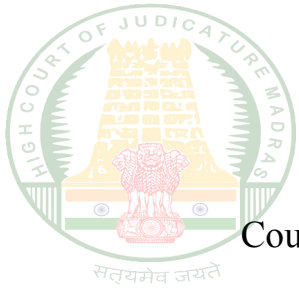
[b] the petitioner shall appear before learned Additional District and Sessions Judge, Principal Special Court for EC and NDPS Act Cases, Madurai, at 10.30 a.m., on all working days, until further orders:

[c] the petitioner shall not commit any offence similar to the offence of which he/she is accused, or suspected, or of the commission of which he/she is suspected;

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

[e] the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade her from disclosing such facts to the Court or to any police officer or tamper with the evidence;

[f] On breach of any of the aforesaid conditions, the learned Judicial 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



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Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 51730].

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[g] If the accused thereafter absconds, a fresh FIR can be

registered under Section 269 BNS.

(K R S J)
14.07.2026

TM

To

- 1.The Additional District and Sessions Judge, Principal Special Court for EC and NDPS Act Cases,, Madurai.
- 2.The Inspector of Police,
Dindigul Taluk Police Station,
Dindigul District. (Crime No.520 of 2023)
- 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.

TM

ORDER
IN
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