

Crl.O.P.(MD)No.11740 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21.07.2026

PRESENT

THE HONOURABLE MR. JUSTICE K. RAJASEKAR

CRL OP(MD). No. 11740 of 2026

Malaisamy @ Siva @ Satheesh

...Petitioner

Vs

State of Tamil Nadu rep. by
The Inspector of Police,
Kovilpatti PEW Police Station,
Thoothukudi District.
(Crime No.492 of 2023)

...Respondent/Complainant

For Petitioner : Mr.J.Ramesh for Mr.A.Vignesh
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. 492 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

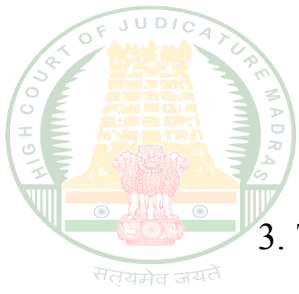
The petitioner / Accused, who was arrested and remanded to judicial custody on 21.12.2023, for the offences punishable under Sections 8(c) r/w. 20(b)(ii)(C), 25 and 29(1) of NDPS Act, in Crime No.492 of 2023 on the file of the respondent police, seeks bail.



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2. The case of the prosecution is that based on prior information received by the respondent on 22.02.2023 at about 14.30 hours, they laid surveillance on the Madurai – Tirunelveli National High Way, near Rajapudhupatti and they surrendered the Eicher goods container lorry at Rajapudhupatti and enquired the persons who are in the vehicle and it is found that A1 to A3 in the vehicle. After complying the mandatory provisions, from them 600 kilograms of ganja have been recovered. Thereafter, during the course of investigation and on the basis of the statements recorded from the arrested accused, it was revealed that the petitioner is also one of the accused. It is alleged that the petitioner was the acting driver and used to procure ganja from the State of Odisha and traffic the same to the State of Tamil Nadu. It is further alleged that A1 to A11 were known to each other and, as per the instructions of A4 and A11, the other accused brought the ganja from Anakapalli District, Andhra Pradesh, and transported the same to Thoothukudi District. Near Kayathar Toll Gate, A1 to A3 were instructed to wait near Rajapudhukudi for further transportation of the contraband. While they were waiting there, the vehicle was intercepted, the contraband was recovered and seized, and after completion of the investigation, a final report was filed against A1 to A11.



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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 though the petitioner is arrayed as A4, he was not arrested at the scene of occurrence and was subsequently implicated only on the basis of the confession statements of the arrested accused. He further submitted that, though the petitioner was alleged to be involved in certain previous cases, he has been shown as accused after arrest in this case and the petitioner has been falsely implicated in the present case. The learned counsel further submitted that no independent material is available against the petitioner except the confession statements of the co-accused. He also submitted that similarly placed co-accused, namely A5, A8 and A9, have already been granted bail by this Court in Criminal Original Petitions vide order in Crl.O.P.(MD).No.12644 of 2025 dated 06.07.2026, Crl.O.P.(MD).No.3596 of 2025 dated 27.03.2025 & Crl.O.P.(MD).No.9012 of 2026 dated 06.07.2026. Hence, he prays for bail to the petitioner.

4. The learned Counsel appearing for the State reiterated the prosecution case and reported that except the confession statements of the co-accused, no other direct material is available against the petitioner. He, however, submitted



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that the prosecution case is that the petitioner had actively participated in the transportation of the contraband. At the same time, he fairly conceded that no connecting materials, such as Call Detail Records (CDR), tower location details, or any other electronic evidence, have been collected during the investigation or included in the final report. The petitioner has 7 previous cases. 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 carefully perused the final report. It is seen that the prosecution has cited 46 witnesses. Though various witnesses, including the Motor Vehicle Inspector, have been examined to speak about the ownership of the seized vehicle, the allegation against the petitioner is only that he acted as the driver for transporting the contraband. The remaining witnesses have been cited mainly to prove the seizure of the ganja and the forensic examination of the contraband. Except the confession statements of the co-accused, there is no other independent material connecting the petitioner with the alleged transportation of ganja. This Court has also perused the earlier orders passed by this Court granting bail to similarly placed accused, including A5, A8 and A9

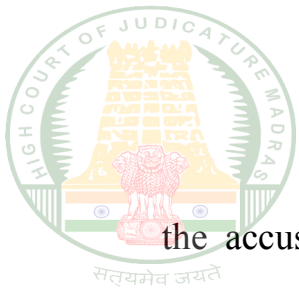


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vide order in Crl.O.P.(MD).No.12644 of 2025 dated 06.07.2026, Crl.O.P.
(MD).No.3596 of 2025 dated 27.03.2025 & Crl.O.P.(MD).No.9012 of 2026
dated 06.07.2026.

7. The learned counsel appearing for the State submitted that the petitioner is involved in seven previous cases of a similar nature. However, the learned counsel for the petitioner in reply submitted that some of those cases have already been disposed of and that, in the remaining cases, the petitioner is hotly contesting the proceedings. It was further submitted that the petitioner has been falsely implicated in the present case with a view to keep him in continued incarceration and in some cases he has been added as accused only based on confession. It is further submitted that the petitioner has been in judicial custody from 21.12.2023. The learned counsel also submitted that the trial has not progressed since the Non-Bailable Warrants (NBWs) issued against some of the accused are still pending execution.

8. 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



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the accused, except the confession relied on by the prosecution to link the

accused, therefore, considering the above facts, particularly that the petitioner has been in prolonged incarceration, that the trial has not made substantial progress, that similarly placed co-accused have already been granted bail vide order in Crl.O.P.(MD).No.12644 of 2025 dated 06.07.2026, Crl.O.P.(MD).No. 3596 of 2025 dated 27.03.2025 & Crl.O.P.(MD).No.9012 of 2026 dated 06.07.2026, though previous cases are reported, in majority of cases he was added as accused based on confession and some cases, he is in bail, this Court is inclined to grant bail to the petitioner, subject to certain 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 **District and Sessions Judge, Principal Special Court for NDPS Act Cases, Madurai**, and on further conditions that:

[b] the petitioner shall **appear before learned District and Sessions Judge, Principal Special Court for 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



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commission of which he/she is suspected;

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

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 BNS.

(K R S J)
21.07.2026

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To

1.The District and Sessions Judge, Principal Special Court for NDPS Act Cases, Madurai.

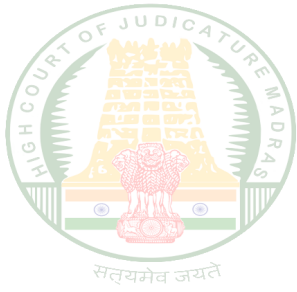


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2.The Inspector of Police,
Kovilpatti PEW Police Station,
Thoothukudi District. (Crime No.492 of 2023)

3.The Superintendent, Central Jail, Madurai.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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K. RAJASEKAR, J.

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ORDER
IN
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