



CRL OP(MD). No.11575 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/07/2026

PRESENT

The HONOURABLE **MR. JUSTICE K. RAJASEKAR**

CRL OP(MD). No.11575 of 2026

Malaisamy,
S/o.Late.Ramu,
Plot No.10,New Indra Nagar,
Govt. School Chandrayangutta,
Bandlagada,
Hyderabad,
Andra Pradesh..

... Petitioner/Accused No.12

Vs

The State of Tamilnadu Rep BY,
The Inspector of Police,
Madurai NIB - CID Police Station,
Madurai.
(Crime No.374 of 2023).

... Respondent/Complainant

For Petitioner : Mr.J.Ramesh,
for Mr.Vignesh A,
Advocate.

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

PETITION FOR BAIL Under Sec.483 of BNSS



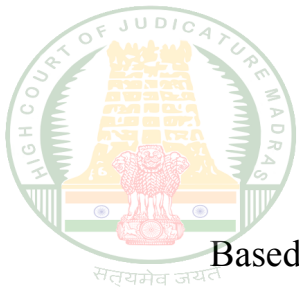
CRL OP(MD), No.11575 of 2026

PRAYER :- C-32B. To enlarge the petitioner / accused No.12 on bail in C.C.No.256 of 2024 on the file of the Learned Principal Special Court for Trial of Narcotic Drugs and Psychotropic Substances Act Cases, Madurai and pass such further or other order as this...

ORDER : The Court made the following order :-

The petitioner/Accused No.12, who was arrested and remanded to judicial custody on 25.10.2023 for the alleged offence under Sections **8(c) r/w 20(b)(ii)(C), 25 and 29 of NDPS Act, 1985**, in C.C.No.256 of 2024 on the file of the Learned Principal Special Court for Trial of Narcotic Drugs and Psychotropic Substances Act Cases, Madurai in connectin with Cr.No.374 of 2023 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner herein is arrayed as A12 in this case. A9 and A8 had procured 490 kgs and 1600 kgs of Ganja from Visakhapatnam, Andhra Pradesh State, by using a tampered container lorry belonging to A1. The said Ganja was brought to Tamil Nadu and thereafter stored in a place under the control of the third accused at Sattankulam, Thoothukudi District. In the meantime, based on the arrest of one of the co-accused/A1, 40 kgs of Ganja was recovered.



CRL OP(MD), No.11575 of 2026

Based on the statement recorded from him, another 50 kgs of Ganja was recovered from A2. Thereafter, it was revealed that a huge quantity of Ganja was stored in the premises of A3. Accordingly, A3 was taken into custody and another 2000 kgs of Ganja was recovered. Based on the confession statement of A3, it was revealed that the petitioner herein is a native of Andhra Pradesh and that he piloted the container lorry and assisted the driver of the lorry in crossing Andhra Pradesh State and reaching Tamil Nadu. Hence, the petitioner has been arrayed as A12 and thereafter arrested.

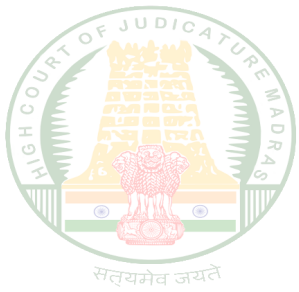
3.The learned counsel appearing for the petitioner submitted that, though a huge quantity of contraband has been seized in this case, the allegation against the petitioner is only that he assisted the other accused in transporting the Ganja from Andhra Pradesh to Tamil Nadu. He further submitted that the petitioner has not transported the Ganja and that the allegation is that he travelled in another car and piloted the container lorry by using his car. Except for the confession statement of the co-accused/A3 and the statements of other accused, no other materials evidence have been produced to substantiate these



CRL OP(MD), No.11575 of 2026

allegations. He further submitted that the co-accused, who were similarly placed and alleged to have assisted in the transportation of Ganja, namely A9, A10 and A13, were also granted bail by this Court in Crl.O.P.(MD) Nos.22147 of 2025, 10338 of 2026 and 10430 of 2026. Hence, he prayed for granting bail to the petitioner.

4.The learned Counsel for the State of Tamil Nadu (Crl. Side) appearing for the respondent police submitted that a huge quantity of Ganja has been recovered in this case. He further submitted that the allegation against the petitioner is that he piloted the container lorry and assisted A1 in bringing the container lorry from Andhra Pradesh to Tamil Nadu. He further submitted that, except for the confession statement of the co-accused, no other material is available against the petitioner. The learned Counsel further submitted that the petitioner is involved in eight previous cases. The respondent has also produced a copy of the final report and the counter, wherein it has been stated that the petitioner is one of the main accused and is involved in eight previous cases. Hence, he opposed the grant of bail to the petitioner.



CRL OP(MD). No.11575 of 2026

5.I have heard the learned counsel on either side and perused the materials available on record. I have also perused the co-accused order passed by this Court in CrI.O.P.(MD).No.22147 of 2025, 10338 of 2026 adn 10430 of 2026, dated 30.04.2026, 15.06.2026, wherein this Court observed as follows:

CrI.O.P.(MD).No.22147 of 2025:

.....6. Considering the rival submissions made by the learned counsel on either side, considering the nature of charges levelled against the petitioner, no contraband was recovered from this petitioner, only based on the confession statement of the co-accused this petitioner was implicated in this case, as per the confession there is no nexus to the petitioner with the contraband involved, though the peititioner has 3 previous cases, in all those cases also he was implicated on the confession statement of the co-accused and in all those cases, he was granted bail and considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:

CrI.O.P.(MD).No.10338 of 2026:

....6. Considering the rival submissions made by the learned counsel on either side, considering the nature of charges levelled against the petitioner, though the



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CRL OP(MD). No.11575 of 2026

prosecution has stated that the quantity involved in this case is commercial quantity, the contraband was recovered from A1 to A10 and no contraband has been recovered from this petitioner, only on the basis of the confession statement of the co-accused this petitioner has been implicated in this case, co-accused has also been released on bail, though the petitioner has 14 previous cases and some of the cases are similar in nature, most of the cases were disposed of by the trial court and in other he was granted bail, and considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:

Crl.O.P.(MD).No.10430 of 2026:

.....6. Considering the rival submissions made by the learned counsel on either side, considering the nature of charges levelled against the petitioner, though the prosecution has stated that the quantity involved in this case is commercial quantity, the contraband was recovered from A1 to A10 and no contraband has been recovered from this petitioner, only on the basis of the confession statement of the co-accused this petitioner has been implicated in this case, co-accused has also been released on bail, the specific overt act against the petitioner is that he received money to purchase the boat,



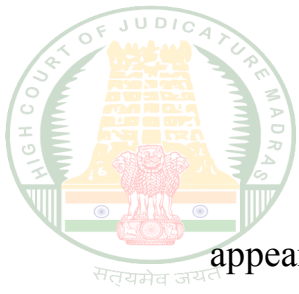
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CRL OP(MD), No.11575 of 2026

though the petitioner has one previous case, in that case also he was already granted bail, and considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:

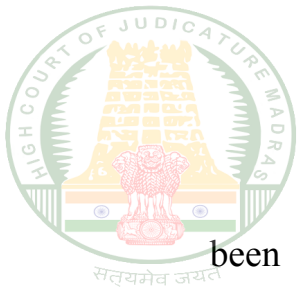
6.The final report in this case produced before this Court. A perusal of the final report reveals that the majority of the witnesses cited are only to speak about the recovery of ganja from A1, A2 and A3. The other witnesses have been cited to speak about the ownership of the vehicles, the ownership and use of the land by A3, and the confession statements recorded from the other accused. The investigating officer, forensic expert and court witnesses have been cited to speak about the investigation, search and seizure, chemical examination and production of the contraband before the trial Court. Though a total of 44 witnesses have been cited by the prosecution, none of them have been cited to speak about the specific role of the petitioner in assisting the transportation of ganja from Andhra Pradesh to Tamil Nadu. There is also no other material to show that the petitioner accompanied the container lorry by piloting it from Andhra Pradesh to Tamil Nadu. It



CRL OP(MD), No.11575 of 2026

appears that the prosecution has relied only on the confession statements of the co-accused to implicate the petitioner in this case. Though the earlier bail petition filed by the petitioner was dismissed by this Court on merit, it has been found that, except for the confession statement, no other materials were placed against the petitioner and the Hon'ble Apex Court in the case of ***Tofan Singh Vs. State of Tamil Nadu, (2021) 4 SCC 1***, has held that *the statement recorded by the police under Section 25 of the Evidence Act is inadmissible in evidence except for the same being ready for recovery or discovery of any fact*. In this case, the learned Counsel For State of TN (Criminal Side) fairly accepted the fact that except the confession, no other material is available and similar placed accused were already released on bail. Hence, the petitioner satisfies the conditions under Section 37 of the NDPS Act.

7.As far as previous case is concerned, the petitioner was formally arrested only on the basis of the confession statements of the co-accused. In those cases also, no direct recovery was effected from the petitioner. It is further submitted that the petitioner has already been granted bail in the other connected cases. In the present case also, the petitioner has



CRL OP(MD), No.11575 of 2026

been formally arrested. Further, the similarly placed co-accused have already been granted bail by this Court. In such circumstances, 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 Principal Special Court for Trial of NDPS Act Cases, Madurai**, and on further conditions that:

[b] **the petitioner shall report before the learned Principal Special Court for Trial of NDPS Act Cases, Madurai, on all working days at 10.30 a.m., 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;



CRL OP(MD), No.11575 of 2026

WEB COPY

[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 5560].

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

(K R S J)
22.07.2026

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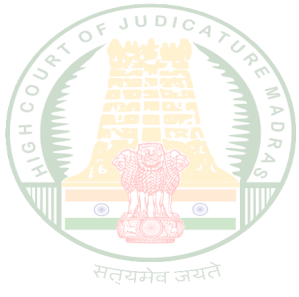


CRL OP(MD). No.11575 of 2026

TO

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- 1.The learned Principal Special Court for Trial of NDPS Act Cases,
Madurai.
2. The Superintendent, Central Jail, Madurai..
- 3.The Inspector of Police,
Madurai NIB - CID Police Station,
Madurai.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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CRL OP(MD), No.11575 of 2026

K. RAJASEKAR,J.,

vsg

ORDER
IN
CRL OP(MD) No.11575 of 2026

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