



CRL OP(MD). No.11465 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**

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Rajendran,
S/o. Nagathevar,
37,Kaliyamman Kovil Theru,
Muthalampaarai Kadamalikundu,
Theni District - 625 579..

... Petitioner/Accused No.1

Vs

State of Tamilnadu Rep by,
The Inspector of Police,
NIB – CID Police Station,
Theni District.
Crime No. 4 of 2026..

... Respondent/Complainant

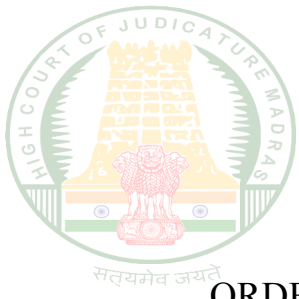
For Petitioner : Mr.G.V. Vairam Santhosh,
Advocate.

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

C-32B. For Bail in Crime No. 4 of 2026 on the file of the respondent police.



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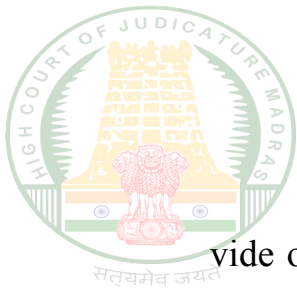
ORDER : The Court made the following order :-

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The petitioner/Accused No.1, who was arrested and remanded to judicial custody on 14.02.2026 for the alleged offence under Sections **8(c) r/w 20(b)(ii)(C) and 29(1) of NDPS Act, 1985**, in Cr.No.4 of 2026 on the file of the respondent police, seeks bail.

2.The allegation against the petitioner is that, based on prior information, the respondent intercepted two persons who were standing near the Devadanapatti–Dindigul Bypass on 13.02.2026 at about 12.45 p.m. After intercepting them and complying with the mandatory provisions, the respondent seized 21 kgs of ganja from their possession. Hence, the petitioner and the other accused were arrested and remanded to judicial custody.

3.The learned counsel appearing for the petitioner submitted that, though the prosecution has stated that the recovery was effected from two persons, two separate mahazars were prepared and different times have been mentioned, hence it cannot be treated as a common recovery. He further submitted that this Court, in CrI.O.P.(MD) No.10279 of 2026,



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vide order dated 22.06.2026, granted bail to the other accused, who was arrested along with the petitioner. Therefore, on the ground of parity, he prayed to grant bail to the petitioner.

4.The learned Counsel for the State of Tamil Nadu (Crl. Side) appearing for the respondent police reiterated the prosecution case and submitted that it is not a case of two separate seizures. According to him, it is a single seizure effected from both the petitioner and the other accused. He further submitted that the petitioner and the other accused were carrying four bags. The police party intercepted them searched the four bags and recovered 21 kgs of ganja, which is a commercial quantity. Hence, he opposed the grant of bail to the petitioner.

5.I have carefully considered the submissions made on either side and also perused the materials available on records. I have also perused the order passed by this Court in Crl.O.P.(MD).No.10279 of 2026, dated 22.06.2026, wherein this Court observed as follows:

6. Considering the rival submissions made by the learned counsel on either side, nature of offence, considering the facts that though the prosecution stated



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that the contraband involved in this case is commercial quantity, the contraband was recovered from two different persons in two different bags and the same has been clubbed together and as far as this petitioner is concerned, the contraband recovered is 12 kgs which is not commercial quantity and though the prosecution stated that the petitioner has four previous cases, in all the cases bail was granted to him and also 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 above order passed by this Court clearly reveals that, though two persons were separately carrying bags, both of them were clubbed together and the total quantity was measured as 21 kgs. Except for this seizure, no other material has been produced to show that both the persons had knowledge about the possession of 21 kgs of ganja. It is also seen that the recovery was effected from a public place, that too at a junction road, where two persons were standing separately. Though it is stated that both persons were standing nearby, the fact remains that both were carrying separate bags. However, the seizure has been effected as if all the bags were in the possession of both the persons. Therefore, the



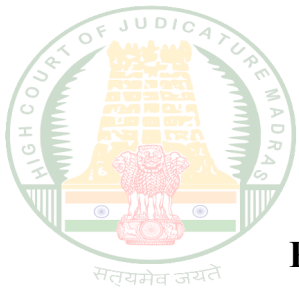
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manner of recording the seizure appears to be vague. Further, there is no clarity as to who was holding which bag, though it is stated that there were four bags, and from whom the exact quantity of ganja contained in each bag was recovered. It is also to be noted that, if the quantities are separated, Section 37 of the NDPS Act may not be applicable to them. This Court is of the view that, since the similarly placed co-accused has already been granted bail, the petitioner is also entitled to the grant of bail on the ground of parity.

7.Considering the reasons stated above and the same is squarely applicable to the present petitioner, 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**



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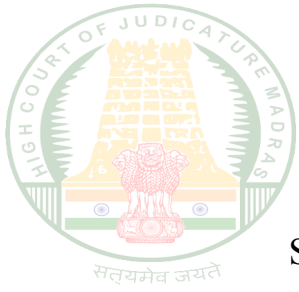
**Principal Special Court for Trial of NDPS Act Cases,
Madurai, on all working days at 10.30 a.m., until further
orders;**

[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;

[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.



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State of Kerala [(2005)AIR SCW 5560].

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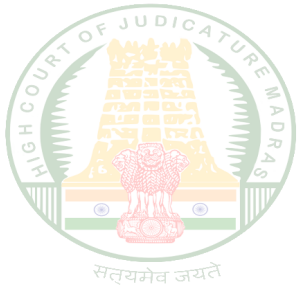
[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 BNS.

(K R S J)
22.07.2026

VSG

TO

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



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K. RAJASEKAR,J.,

vsg

ORDER
IN
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