

Crl.O.P.(MD)No.11537 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. 11537 of 2026

Dinesh

...Petitioner

Vs

State of Tamil Nadu rep. by
The Inspector of Police,
Velankanni Police Station,
Nagapattinam District.
(Crime No.276 of 2025)

...Respondent/Complainant

For Petitioner : Mr.S.Mandhiralingeswaran
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. 276 of 2025 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 20.07.2025, for the offences punishable under Sections 8(c) r/w. 20(b)(ii)(C), 25 and 29(1) of NDPS Act, in Crime No.276 of 2025 on the file of the respondent police, seeks bail.



Crl.O.P.(MD)No.11537 of 2026

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2. The case of the prosecution is that the petitioner is a friend of A1 and A3 and used to engage them for transporting and trafficking ganja from the neighbouring State for being exported to Sri Lanka with the help of the other accused. Accordingly, in this case, on 19.07.2025 at about 18.00 hours, the petitioner brought ganja from Andhra Pradesh to Nagapattinam through ECR Road and handed over the same to A1 with instructions to transport it to A4. While the contraband was being transported, on receipt of prior information, the vehicle driven by A1 was intercepted and 160 kilograms of ganja was recovered. Subsequently, based on the statements recorded from A1, A3 and the other accused, it was revealed that the petitioner is the main accused and also the owner of the vehicle used for transportation. Hence, the petitioner was arrested and has been in judicial custody.

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 based on the confession statement given by the co-accused, this petitioner has been implicated as an accused. He would further submit that no contraband was recovered from this petitioner. The petitioner is in judicial



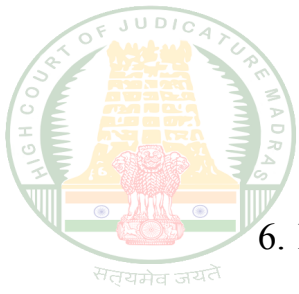
Crl.O.P.(MD)No.11537 of 2026

custody from 20.07.2025 and he is ready to co-operate with the investigation.

He further submitted that a similarly placed co-accused, namely, Harishwaran, was granted bail by this Court in Crl.O.P.(MD)No.15307 of 2025, by order dated 01.04.2026. Hence, he prays for bail to the petitioner.

4. The learned Counsel appearing for the State reiterated the prosecution case and reported that the confession statements and other materials reveal that the petitioner is the owner of the vehicle used for transportation of the contraband. However, during the course of investigation, the respondent could not secure the ownership certificate relating to the pickup vehicle alleged to have been used for transportation. He further submitted that, except the confession statements, no other material is available against the petitioner. He further submit that there is a bar under Section 37 of the NDPS Act, since the petitioner has not satisfied the twin conditions for grant of bail. He would further submit that the petitioner has no previous case. He opposed the grant of bail to the petitioner.

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

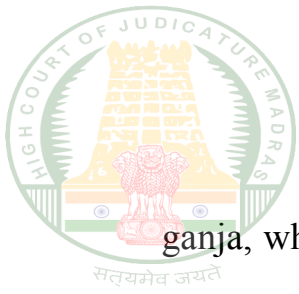


Crl.O.P.(MD)No.11537 of 2026

6. I have carefully perused the order passed by this Court in Crl.O.P.No. 15307 of 2025. It reveals that one of the co-accused, who was similarly placed, was granted bail on the following grounds.

“Considering the rival submissions made by the learned counsel on either side and also the considering the fact that the petitioner is the not the named accused in the First Information Report and no contraband was recovered from this petitioner and only based on the confession statement of the co-accused this petitioner has been implicated as an accused and no similar kind of previous case is pending against the petitioner and though the call details particulars obtained from the concerned authorities it can be tested during trial also taking into consideration the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:”

7. Though it is alleged that the petitioner is the main accused and that he instructed the other accused to transport and traffic the ganja, a perusal of the list of evidence annexed to the final report shows that it only speaks about the recovery, search and seizure proceedings, and also recording the statement of A1 in this case. The witnesses cited as L.Ws.1 to 9 and two other witnesses have been cited only to speak about the forensic examination of the seized



Crl.O.P.(MD)No.11537 of 2026

ganja, while the remaining witnesses relate to the subsequent investigation. No other material evidence against the petitioner has been produced before the trial Court, nor have any material witnesses been cited in the final report.

8.In such circumstances, the only material available against the petitioner 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.

9.Further, a similarly placed co-accused has already been granted bail in Crl.O.P.No.15307 of 2025. The grounds on which bail was granted to the said co-accused are equally applicable to the petitioner. Further, the petitioner has established that he has no previous criminal antecedents. Hence, this Court is of the view that the petitioner is also entitled to be enlarged on bail. Hence, this Court is inclined to grant bail to the petitioner subject to the following conditions:



Crl.O.P.(MD)No.11537 of 2026

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[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, /Presiding Officer, Special Court for Essential Commodities Act Cases, Thanjavur**, and on further conditions that:

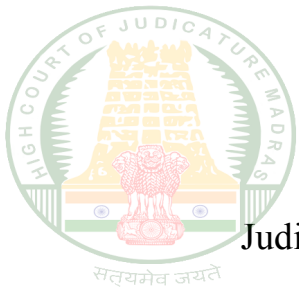
[b] the petitioner shall **appear before learned Additional District and Sessions Judge, /Presiding Officer, Special Court for Essential Commodities Act Cases, Thanjavur, at 10.30 a.m., on all working days, until further orders:**

[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



Crl.O.P.(MD)No.11537 of 2026

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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

TM

To

- 1.The Additional District and Sessions Judge, /Presiding Officer, Special Court for Essential Commodities Act Cases, Thanjavur.
- 2.The Inspector of Police,
Velankanni Police Station,
Nagapattinam District. (Crime No.276 of 2025)
- 3.The Superintendent, District Prison, Nagapattinam.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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Crl.O.P.(MD)No.11537 of 2026

K. RAJASEKAR, J.

TM

ORDER
IN
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