

CRL OP(MD). No.12644 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 06/07/2026

CORAM

THE HONOURABLE MR. JUSTICE K. RAJASEKAR

CRL OP(MD). No.12644 of 2026

Sheik Mahabu Subhani @ Sivani

... Petitioner/ Accused No.5

Vs

The State of Tamilnadu Rep By,
The Inspector of Police,
Devadanapatti Police Station,
Theni.

Cr.No.430 of 2024.

... Respondent/Complainant

PRAYER :-

To enlarge the petitioner on bail in C.C.No.376 of 2025 on the file of II Additional District Judge for NDPS Act Cases, Madurai, and pass such further or other orders as this Hon`ble Court may deem fit and proper in the circumstances of the case ...

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

For Respondent : Mr.N.Balasubramanian,
Counsel For State of TN (Crl.Side)

ORDER

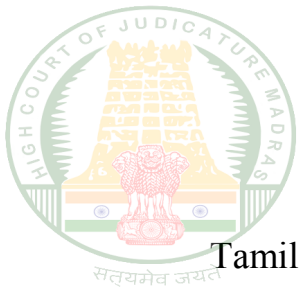
The petitioner, who was arrested and remanded to judicial custody



CRL OP(MD). No.12644 of 2026

on 06.03.2025 for the alleged offence under Sections 8(c), 20(b)(ii)(C), 25, and 29(1) of Narcotic Drugs and Psychotropic Substances Act, 1985, in Crime No.430 of 2024 on the file of the respondent police, seeks bail.

2. The allegation against the petitioner is that, based on prior information on 21.12.2024, at about 09.00 am, the respondent police conducted a raid at Genguvarpatty to Batlagundu Road, G.Kallupatti Main Road, near Vinoba Nagar Junction, in front of Anbu Illam, and intercepted a Maruti Suzuki Swift Dzire car bearing Reg. No. TN-10-4050 and found that three persons (A1 to A3) travelled in the vehicle. After complying with the mandatory legal provisions, 20 kg of ganja were recovered from A1 to A3. The statement recorded from the arrested accused revealed that they used to purchase the ganja regularly from the petitioner herein, who has residence in Andhra Pradesh, and accordingly, they received a sum of Rs.50,000/- from one Ravikumar (A4) and a further Rs.50,000/- from one Pratheepan and travelled to Andhra Pradesh on 18.12.2024 and purchased 21 ½ kg of ganja from the petitioner herein, who was stationed at Chilakaluripet, Andhra Pradesh, and further hid the same in the vehicle and also transported the same to



CRL OP(MD). No.12644 of 2026

Tamil Nadu, and on prior information, the contraband has been seized.

Since the petitioner herein is the supplier of the contraband by receiving a sum of Rs 1 lakh, he has also been arrested.

3. The learned counsel appearing for the petitioner submitted that the petitioner is innocent and he has not committed any such offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted this is the second bail petition and earlier petition filed by the petitioner was dismissed by this Court. He further submitted that except the confession statement recorded from the arrested accused, there is no other material to link the contraband with the petitioner herein. Though, it is a commercial quantity, only based on the confession, the petitioner was arrayed as an accused in this case. He further submitted that he was also severely ill, and already he was granted interim bail on medical grounds, and he has to undergo continuous treatment. Further, the co-accused (A1 to A3) were already granted bail by this Court in Crl.OP(MD)No.5341 of 2026 dated 07.04.2026 and since the Hon'ble Apex Court held that *the confession of the co-accused is inadmissible as evidence in the absence of any other*



CRL OP(MD). No.12644 of 2026

material, he prayed to grant of anticipatory bail to the petitioner.

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4. The learned Counsel For State of TN (Criminal Side), appearing for the respondent police, reiterated the prosecution case and on instructions, submitted that this is the second bail petition and there is no change of circumstances and the petitioner is a History Sheeter and he has 1 previous case not similar in nature. He further submitted that except the confession, no other material available against the petitioner and already final report was filed. However, he opposed to grant bail to the petitioner.

5. This Court carefully considered the materials available on record.

6. 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 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*



CRL OP(MD). No.12644 of 2026

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, and accordingly, 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 his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with **two sureties**, for a like sum to the satisfaction of the **learned II Additional District Judge for NDPS Act Cases, Madurai**, and on further conditions that:

[b] the petitioner shall report before the trial Court daily at 10.30 a.m., until further orders;

[c] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the



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CRL OP(MD). No.12644 of 2026

petitioner in accordance with law as if the
aforementioned 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)13 SCC 283]**;

[d] If the accused thereafter absconds, a fresh
FIR can be registered under Section 269 of B.N.S.

06.07.2026

dss

To:

6/8



CRL OP(MD). No.12644 of 2026

1. The II Additional District Judge for NDPS Act Cases, Madurai.

2. The Inspector of Police,
Devadanapatti Police Station, Theni.

3. The Superintendent, Central Jail, Madurai.

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



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CRL OP(MD). No.12644 of 2026

K. RAJASEKAR,J

DSS

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