

CRL OP(MD). No.12686 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

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O.Balamurugan

... Petitioner/ Accused No.11

Vs

The State of Tamilnadu Rep By,
The Inspector of Police,
Usilampatti Town,
Madurai District.
(Crime No.359 of 2021).

... Respondent/Respondent

PRAYER :-

To enlarge the petitioner on bail in C.C.No.816 of 2022 in connection with the Crime No.359 of 2021 on the file of the Principal Special Court for Trial of NDPS Act Cases, Madurai District and thus render justice...

For Petitioner : P.Rengaraju,
Advocate.

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

ORDER

The petitioner, who was arrested and remanded to judicial custody



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on 25.11.2024 for the alleged offence under Sections 8(c), 20(b)(ii)(c) and 25 of NDPS Act, 1985, in Crime No.359 of 2021 on the file of the respondent police, seeks bail.

2. The petitioner was ranked as A4 in the original final report and at the time of filing of final report, the petitioner was absconding, case was split up as against him. The allegation against the petitioner is that the petitioner is involved in transportation of 240 kg of ganja from Andhra Pradesh and subsequently, he along with A9 & A10 handed over the same to A1 to A8 and collected a sum of Rs.44,000/- as commission amount. Subsequently, A1 to A8 were arrested based on the confession statement. After complying with the mandatory legal provisions, alleged ganja was recovered. Thereafter, investigation was carried out and final report was filed and the same was taken on file in C.C.No.816 of 2022. Subsequently, since the petitioner herein was not secured in the year 2024, case was split up as against other accused and the same was ended in conviction. Insofar as the petitioner is concerned, he was in absconding, Non-bailable Warrant was issued against him and he was arrested only on 25.11.2024. Now, the petitioner is in custody for more



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than 1 ½ years. Now, he is come forward with this petition.

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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 on 08.04.2026 and he is in custody from 25.11.2024 and except the confession statement recorded from the co-accused, no material is available against the accused. Hence, he prayed to grant of anticipatory bail to the petitioner.

4. The learned counsel for the State of TN (Criminal Side), appearing for the respondent police, reiterated the prosecution case and, on instructions, submitted that the counter reads that the petitioner not only actively participated in the transportation of ganja from Andhra Pradesh but also handed it over to A1 to A8 and there are no change of circumstances and there are no corroborative material available as against the petitioner. Hence, he opposed to grant bail to the petitioner.

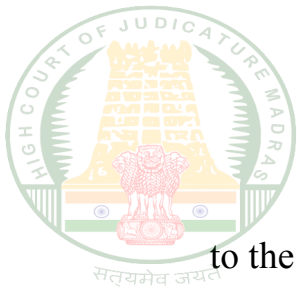
5. I have carefully considered the counter and also a copy of the



final report.

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6. Perusal of the final report, it reveals that list of witnesses shown as L.W.1 to L.W.20 and all the witnesses almost speak about the seizure of the contraband from A1 to A8 and the other witnesses, the Inspector of Police, The Sub-Inspector of Police and the Deputy Superintendent of Police speak about the recovery of contraband and other facts. However, no call details seized or obtained during the investigation. The list of exhibits have not been contained any call date. The documents produced or relied on are only seizure memo, facts of seizing of the vehicle, expert opinion and nature of contraband seized from the accused. It is also stated by the prosecution that no call details were produced except the confession statement. 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, except the confession statement, no other material is placed on record against the petitioner herein and accordingly, this Court is inclined to grant bail to the petitioner, subject



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to the following conditions.

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[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 **Principal Special Court for Trial of NDPS Act cases, Madurai**, and on further conditions that:

[b] the petitioner shall report before the trial Court daily at 10.30 a.m., for a period of six weeks and thereafter, as and when required for interrogation;

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



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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:

1. The Principal Special Court for Trial of NDPS Act cases, Madurai.
2. The Inspector of Police,
Usilampatti Town, Madurai District.
3. The Superintendent, Central Prison, Madurai.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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K. RAJASEKAR,J

DSS

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