

CRL OP(MD). No.14561 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 29/07/2026

CORAM

THE HONOURABLE MR. JUSTICE K. RAJASEKAR

CRL OP(MD). No.14561 of 2026

Kombaiah Pandian

... Petitioner/ Accused No.1

Vs

State of Tamilnadu Rep by,
The Inspector of Police,
PEW-Kovilpatti Police Station,
Thoothukkudi District.
Crime No. 52 of 2025.

... Respondent/ Complainant

PRAYER :-

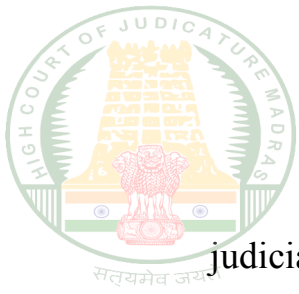
To enlarge the Petitioner/ Accused No.1 in CC No. 168 of 2026 on the file of the Additional District Judge/Principal Special EC and NDPS Act Cases Judge, Madurai, in Cr.52 of 2025 on the file of the Respondent Police on bail.

For Petitioner : Danush Kumar M,
Advocate.

For Respondent : Mr.T.Lenin Kumar,
Government Advocate (Crl.Side)

ORDER : The Court made the following order :-

The petitioner / Accused, who was arrested and remanded to



CRL OP(MD). No.14561 of 2026

judicial custody (the petitioner was arrested in connection with another case on 27.04.2025 and he is in custody from 27.04.2025 and hence, he was formally arrested in this case on 18.11.2025) on 18.11.2025 for the offences punishable under Section 8(c) r/w 20(b)(ii)(C) of the NDPS Act, in Crime No.52 of 2025 on the file of the respondent police, seeks bail.

2. The allegation against the petitioner is that the petitioner herein is ranked as A1 in this case. A2 to A4 have purchased 22 kg of ganja from the petitioner herein and while they were transporting the same, on prior information, they were intercepted by the respondent police on 27.04.2025, at about 12 hours, near Kovilpatti Inammaniyachi RKV Tower. After complying the mandatory provisions, recovery was effected and based on the statement recorded from the arrested accused, the petitioner herein was added as an accused and case was registered against the accused including the petitioner. Since he was already arrested in connection with another case on 27.04.2025, formal arrest was made on 18.11.2025.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he was falsely implicated in this case



CRL OP(MD). No.14561 of 2026

and he has not committed any offense as alleged by the prosecution. He would further submit that this Court rendered a finding in Crl.OP(MD)No.6613 of 2026 while granting bail to A2, namely Ranjith, that the contraband seized from the co-accused is not a commercial quantity since the contraband was seized from three persons through 3 different mahazars. Hence, Section 37 of the NDPS is not applicable to the present case. He would further submit that the co-accused also had 2 previous cases. Therefore, prayed to grant bail for the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent reiterated the prosecution case and on instructions reported that the quantity of contraband involved in this case is 22 kg and Section 37 of the NDPS Act, is applicable to the present case and the petitioner is also having one previous case similar in nature and while he is in custody in connection with another case, he was formally arrested in this case and now the final report was also filed and he produced a copy of the statement and he further submitted that based on the confession statement of the co-accused, the petitioner was arrested and also opposed to grant bail to the petitioner.

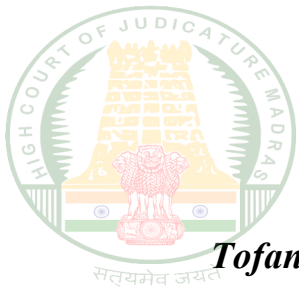


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5. I have carefully considered the submissions made on both sides including the reasons stated by this Court in paragraph No.6 in CrI.OP(MD)No.6613 or 2026 dated 16.04.2026. In the said order, while granting bail to Ranjith/A2, this Court has observed as follows:-

“6. Considering the rival submissions made by the learned counsel on either side, nature of offence, and though the prosecution stated that the quantity involved in this case is a commercial quantity, the prosecution clubbed all the contraband recovered separately on separate mahazar and the contraband recovered from the two different persons and as far as the petitioner is concerned through separate mahazar, 10 kg of contraband was recovered and thereby, it is not a commercial quantity and no previous case is pending against the petitioner for similar kind of offence and though the petitioner is having 2 IPC cases, in that cases, he was released on bail 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. In this case, the prosecution is not able to produce any incriminating material, except the confession of the co-accused to implicate the accused as held by the Hon'ble Apex Court in the case of



CRL OP(MD). No.14561 of 2026

Tofan Singh Vs. State of Tamil Nadu, (2021) 4 SCC 1, 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.*

7. Considering the above observation made by the Hon'ble Apex Court, the petitioner was added as an accused only based on the confession, and the co-accused was already released on bail by this Court in CrI.OP(MD)No.6613 of 2026, the petitioner is also entitled to the grant of bail on the ground of parity.

8. 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 condition to execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with two sureties each for a like sum to the satisfaction of the learned **Additional District Judge/Principal Special Court for NDPS cases, Madurai**, and on further conditions that:



CRL OP(MD). No.14561 of 2026

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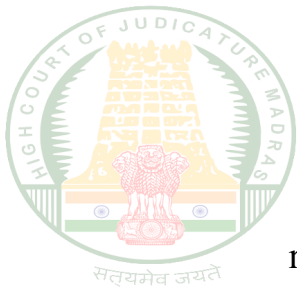
[b] the petitioner shall report before the learned **Additional District Judge/Principal Special Court for NDPS cases, Madurai, daily at 10.30 a.m., for a period of 12 weeks and thereafter, as and when required for interrogation.**

[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



CRL OP(MD). No.14561 of 2026

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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.

29.07.2026

dss

To

- 1.The Additional District Judge/Principal Special Court for NDPS cases, Madurai.
- 2.The Inspector of Police,
PEW-Kovilpatti Police Station,
Thoothukkudi District.
3. The Superintendent, Central jail,
Palayamkottai.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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CRL OP(MD). No.14561 of 2026

K. RAJASEKAR,J

dss

ORDER
IN
CRL OP(MD) No.14561 of 2026

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