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CRL OP No. 536 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-02-2026

CORAM

THE HON'BLE MR.JUSTICE K.RAJASEKAR

CRL OP No. 536 of 2026

S.Anand
S/O. Selvaraj,
No.5/133, Main Road, Aladiyur,Umarikkadu Post,
Korkai,Srivaikundam,
Thoothukudi District-628801.

..Petitioner(s)

Vs

State Rep.By,The Inspector Of Police
PEW Pallikaranai Unit,
Cr.No.267/2024.

..Respondent(s)

PRAYER:Criminal Original Petition filed under Section 483 of BNSS Act, 2023, to enlarge the petitioner on bail in C.C.No.516/2025 on the file of II Additional Special court under NDPS Act at Chennai.

For Petitioner(s):	Mr.R.C.Paul Kanagaraj for M/s.D.Manojkumar
For Respondent(s):	Mr.A.Gopinath Government Advocate(Crl. Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 06.01.2025, for the alleged offence punishable under Section 8(c) r/w. 20(b)(ii) (c), 25 & 29(1) of NDPS Act in Crime No.267 of 2024, on the file of the respondent police, seeks bail.



2. The petitioner is ranked as A4 in this case. The case of the prosecution is that on 28.10.2024 at about 10.30 hours, when Inspector was in a station duty at that time, he received a secret information and entered the same in the General Diary, then got permission from concerned officer. Thereafter the Inspector of Police along with his police parties went to the scene of occurrence near East Tambaram Railway Ground. At that time, two unknown persons were standing in suspicious manner along with Ashok Leyland boss Mini Lorry bearing registration No. TN 92 C 5315. The respondent police conducted the enquiry towards the accused persons namely A-1/ Muthuvel pandi, and A2/Chandra kumar who were found with an illegal possession of 150 Kgs of Ganja and Poco F1cell phone-1, Poco M3 cell phone-1. Further the respondent police arrested the accused persons A2 and A3 and recorded their confession and also seized the case properties i.e Ganja, 2 Mobile phones and one lorry from the scene of occurrence in the presence of witnesses. Hence the complaint.

2.1. Subsequent investigation revealed that the petitioner's lorry has been used by the other accused for transporting Ganja and in this case he has also collected money from two persons viz., from one Umapathi, Rs.96,000/- on 25.09.2020 and from one Mohammed Harshath, Rs.20,000/- on 27.10.2024 and it was handed over to A3. A3 who in turn disbursed the amount to A1 and A2. Hence the petitioner has also been added as accused in this case and he has been arrested and the final report is also filed in CC.No.516 of 2025.



3. Learned counsel appearing for the petitioner submitted that though the petitioner is ranked as A4 in this case, he is a brother-in-law of A3 and A3 used to take the petitioner's vehicle and based on his relationship, A3 used to send money as hiring charges to his account either through the persons who engaged the lorry or after collecting money by way of cash and deposit the same into his accounts and A1 in this case is not known to the petitioner herein. It is alleged that while A1 and A2 transported the Ganja in the lorry belongs to the petitioner, they were intercepted and got arrested and 150 kgs of Ganja recovered. On the statement recorded from A1 and A2, it revealed that A3 is the one who engaged them and they all acted as a gang to transport the Ganja whereas the petitioner herein who is a lorry owner who went to file a petition before the trial court for the purpose of getting back lorry, he has also been added as accused since he is the owner of the lorry. Apart from the fact that he is the owner of the lorry, he is no way involved in either position viz., either transportation, possession or sale of the contraband. Except the confession to implicate the petitioner into the alleged transactions, no other material is available to show that the petitioner is also involved in the transportation. Further the petitioner's cellphone was also recovered and it was sent to the forensic examination and no chats or the calls between any of the accused with the petitioner has been found. Hence, he prayed to grant bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the



respondent Police reiterated the prosecution case and submitted that the confession statement of this petitioner is also recorded and on perusal of the confession recorded from the petitioner as well as A1 in this case, revealed that there are certain past transactions taken place between the petitioner and other accused to show that the petitioner also used to go to other Districts and used to transport Ganja in his lorry, however prior to the transportation of the present contraband which was seized in this case, admittedly he did not travel either in the lorry or went to the place, where the contraband was purchased. It is alleged that on 07.10.2024, 27.10.2024 and 17.10.2024, there were money deposited in the bank accounts of the petitioner herein. Further in the very same statement, he has not stated on what purpose these money were deposited; whether it is deposited as a lorry hire charges or any other purpose. Apart from that, the statement of the other accused were also in similar lines and though it is stated that there are some transaction taken place between the petitioner and other accused, the list of witnesses filed along with final report revealed that LW9, LW10, LW11 have been added as witness to speak about these transactions. Major reliance is only on the confession statement of the petitioner and other accused, this court is of the view that the same could not be used as material evidence to show a prima facie case after filing of the final report, in view of the judgement of the Apex court in ***Tofan Singh Vs.State of Tamil Nadu reported in 2021 4 SCC 1***, in this case though statement have been recorded from the petitioner and other accused there is no recovery leading to discovery of any



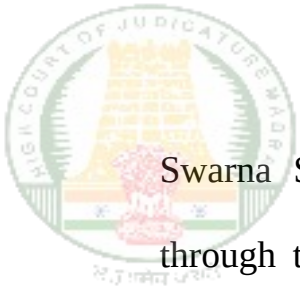
fact based on the statement recorded from them.

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4.1. Further the learned Government Advocate (Crl.Side) also relying on the paragraph 18 of the judgement of the Apex court in Narcotics Control Bureau Vs. Mohit Aggarwal reported in (2022) 18 SCC 374 submit that other circumstances shall also to be looked into and it reads as follows:

“18. Even dehors the confessional statement of the respondent and the other co-accused recorded under Section 67 of the NDPS Act, which were subsequently retracted by them, the other circumstantial evidence brought on record by the appellant NCB ought to have dissuaded the High Court from exercising its discretion in favour of the respondent and concluding that there were reasonable grounds to justify that he was not guilty of such an offence under the NDPS Act. We are not persuaded by the submission made by the learned counsel for the respondent and the observation made in the impugned order that since nothing was found from the possession of the respondent, he is not guilty of the offence for which he has been charged. Such an assumption would be premature at this stage.”

5. The Statement of A1 shows that he sent money to the account of the petitioner through one Umapathi and for sum of Rs.96,000/- Further another Rs.97,000/- was deposited in the account of Anandan, since his relative namely



Swarna Shiva demanded some money. Hence Rs.97,000/- was transferred through the bank account of the petitioner for the purpose of paying to his relative namely Swarna Shiva. But nowhere it is stated the money was paid to the petitioner herein for the purpose of transporting the Ganja and it only shows that since lorry was used, money paid to the petitioner. This Court is of the view that the said money transaction is not showing any link with the alleged transportation of Ganja. Hence this Court is of the view that the petitioner has made out the reasonable grounds that he is not guilty of the offence and it is also stated that the petitioner so far not involved any previous case, hence this Court is inclined to grant bail to the petitioner.

6. 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 Special Judge for NDPS Act, Chennai*, and on further conditions that:-

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;



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

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with the evidence or witness either during investigation or trial;

[e] On breach of any of the aforesaid conditions, the learned 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 5560];

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

MPA

25-02-2026



Note:

1. Registry is directed to forthwith upload this order in the Official Website of this Court.
2. All concerned to act on this order being uploaded in Official Website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in the official website of this Court will be watermarked and will also have a QR code.

To

1. The II Additional Special Judge for NDPS Act, Chennai.
2. State Rep. By, The Inspector Of Police
PEW Pallikaranai Unit,
Cr.No.267/2024.
3. The Superintendent,
Central Prison, Puzhal-I, Chennai.
4. The Public Prosecutor,
High Court, Madras.



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K.RAJASEKAR, J.

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