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Crl.O.P.No.3331 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **24.02.2026**

CORAM

THE HONOURABLE MR JUSTICE K. RAJASEKAR

CRL OP NO.3331 of 2026

M. Kumar

... Petitioner

Vs

The State rep. by,
The Inspector of Police,
H-8 Thiruvottiyur Police Station,
(Crime No.736 of 2025)

... Respondent/ Complainant

PRAYER : Criminal Original Petitions filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to grant bail to the petitioners/accused in C.C.No.1409 of 2025 pending on the file of the II Additional Special Court under EC and NDPS Act at Chennai in Crime No. 736 of 2025 dated 16.05.2025 pending on the file of the respondent police.

For Petitioners : Mr.I. Mohd Arif for Mr.R. Dinesh

For Respondent(s) : Mr. A. Gopinath
Government Advocate (Crl. Side)

ORDER

The petitioner was arrested and remanded to judicial custody on 21.06.2025 for the offences punishable under Sections 8(c) 20(b)(ii)

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(C),29(1) of NDPS Act, 1985 in Cr.No.736 of 2025 pending on the file of respondent police seek bail.

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2. The case of the prosecution is that on 16.05.2025, based on a specific information received regarding illegal transportation of narcotic substances, the respondent team went near Thiruvottiyur Railway Station and intercepted the petitioners/ Prakash Raj (A1) and Sasi Kumar @ Maandi (A2) and another accused namely Rishikumar (A3); that after complying all the mandatory provisions of the NDPS Act, search and seizure was effected, thereby 25 kilograms of Ganja were seized from the A1's bag under the mahazar in the presence of witnesses; that thereafter their confessions statements were recorded and they were remanded to judicial custody; that the A1's confession statement revealed that, as per the instructions of the petitioner/ Pavithra (A5), Santhosh (A4) and petitioner /Kumar (A6), A1 to A3 went to Odisha and purchased the contraband with the help of Arun (A7) and Barani (A8), for the purpose of selling the contraband for their personal gain. Hence, this case.

3. This Court while considering the bail petitions filed by A5 in Crl.O.P.No.31914 of 2025 who is similarly placed with the petitioner has granted bail on 04.02.2026 for the following reasons;



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7. As far as the petitioner/ Pavithra in Crl.O.P.No.31914 of 2025 is concerned, though it is stated that by the respondent that she had actively participated in the offence by funding and engaging other accused for procuring and transporting of ganja, but there is no legally acceptable evidence or sufficient materials produced before this Court to support the prosecution case, apart from the fact that, she has been implicated in this case only based on the confession of the arrested accused. Further, though 11 witnesses were cited by the respondent in the final report, none of the witnesses were listed to speak about the alleged funding or engaging of other accused by the petitioner/ Pavithra for the aforesaid offence.

8. The above facts clearly shows that, the prosecution had only relied on the statement of the arrested accused, which is inadmissible as held by the judgment of the Apex Court in **Toofan Singh vs. The State of Tamil Nadu [AIR 2020 SCC 5592]**.

9. Though, it is stated that the petitioner/ Pavithra is having one previous case under NDPS Act, that case does not involve commercial quantity. Considering the discussions made above, this Court is of the view that there is no sufficient material and reasonable grounds made out to connect the petitioner in Crl.O.P.No.31914 of 2025/ Pavithra with the offence and to detain her under custody, hence this Court is inclined to grant bail to the petitioner with certain conditions.



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4. The allegation against this petitioner is that this petitioner arranged funds to transport the ganja and the same was considered and bail was granted to A5 in Crl.O.P.No. 31914 of 2025 on 04.02.2026. The said order squarely applicable to the petitioner and the same benefit shall be extended to the petitioner.

5. Accordingly, the petitioner is ordered to be released on bail on her executing 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 II Additional Special Court under EC & NDPS Act at 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;

[b] **the petitioner shall report before the Trial Court daily at 10:30a.m., until further orders;**

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



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[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.

24.02.2026

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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.



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To

1. The learned II Additional Special Court under EC & NDPS Act at Chennai
2. The Inspector of Police,
H-8 Thiruvottiyur Police Station,
3. The Superintendent, Central Prison, puzhal, Chennai
4. The Public Prosecutor,
High Court of Madras.



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K. RAJASEKAR, J.

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