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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.10.2026

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THE HON'BLE MR.JUSTICE N.RAMESH

CRL.O.P.No.28353 of 2026

CNR: {HCMA012359212026}

Vijay @ Sivaji

..Petitioner

Vs

The Inspector of Police,
S-8 Adambakkam Police Station,
Chennai.
Crime No.34 of 2026

..Respondent

PRAYER: To enlarge the petitioner on bail in C.C.No.644 of 2026 on the file of the I Addl. Special Judge-1, Additional Special Court for Exclusive Trial of Cases under NDPS Act, Chennai in Crime No.34 of 2026 on the file of the Inspector of Police, S8, Adambakkam Police Station, Chennai, pending trial and thus render justice.

For Petitioner : Mr.K.Veeramuthu

For Respondent : Mr.M.M.I. Khaleel,
Government Advocate (Crl. Side).

ORDER

This Criminal Original Petition has been filed seeking to enlarge the petitioner on bail in connection with the case pending in **Crime No.34 of 2026** for the alleged offences under **Sections 8(c) r/w 20(b)(ii)(C) and 29(1) of the Narcotic Drugs and Psychotropic Substances (NDPS) Act, 1985**.

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2. The case of the prosecution is that the accused persons, A1 to A3, were found in possession of contraband, namely commercial quantity of ganja weighing **20.200 kgs**. The petitioner herein has been arrayed as **A4** on the strength of a confession statement given by the co-accused, Sanjay @ Gundu Sanjay, to the effect that he along with this petitioner and another accused, Manivannan @ Sisi Manivannan, had gone to Vijayawada, Andhra Pradesh, during the previous week, purchased ganja for the purpose of sale, and brought the same to Chennai. Hence the case.

3. The learned counsel for the petitioner submits that the petitioner has been in judicial custody since **06.02.2026**. He underscores that no contraband was recovered from the physical possession of this petitioner, and the commercial quantity of 20.200 kgs of ganja was entirely recovered only from co-accused A1 to A3. He strongly contends that except for the highly unreliable and inadmissible confession statement of the co-accused, there is absolutely no other independent or material evidence linking this petitioner to the alleged offence or connecting him with the other accused from whom the contraband was seized.

4. The learned counsel for the petitioner further submits that though it is stated that the petitioner has **eight previous cases**, all of them are registered under the **Indian Penal Code (IPC)** and he has no prior antecedents under the NDPS Act. He further brings to the notice of this Court that on the very same day, the petitioner was structurally implicated by the same police in two more

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cases under **Crime No.60 of 2026 and Crime No.61 of 2026**. In both those companion cases, he was already enlarged on bail by the learned Judicial Magistrate No.I, Alandur, via order dated 04.07.2026 in **Crl.M.P.No.1561 of 2026**. He notes that his prior bail application in the present case was dismissed by the Principal Special Court for NDPS Act cases on 15.04.2026 in **Crl.M.P.No.2010 of 2026**. Furthermore, the petitioner was detained under **Act 14 of 1982** by a detention order dated 11.03.2026, which was subsequently quashed and **set aside by this Court in H.C.P.No.849 of 2026 on 25.08.2026**. Since he has been in prolonged custody merely on a confession statement, he prays for grant of bail.

5. The learned Government Advocate (Crl. Side) appearing for the respondent State vehemently opposes the grant of bail, pointing out the commercial quantity involved and the presence of eight previous cases against the petitioner. He, however, concedes the legal position that the petitioner was implicated solely on the basis of the co-accused's confession statement and that no recovery was effected from his person.

6. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) for the respondent.

7. Considering the facts and circumstances of the case, it is evident that there is absolutely no material on record to connect this petitioner with the other accused persons from whom the contraband was recovered, except for the bare confession statement of a co-accused. In the total absence of any qualitative or

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independent material to link the petitioner to the recovery of the commercial quantity, the strict rigors of **Section 37 of the NDPS Act cannot be invoked against this petitioner**. Taking into account the prolonged period of judicial custody undergone by the petitioner since 06.02.2026, the fact that his previous cases are under the IPC rather than the NDPS Act, and that his statutory detention under Act 14 of 1982 already stands quashed, this Court is inclined to grant bail to the petitioner.

8. 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, each for a like sum to the satisfaction of the learned **I Addl. NDPS Court, Chennai,** and on further conditions that:

[a] the sureties shall affix his photographs and Left Thumb Impression in the Application for Surety ship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure his identity;

[b] the petitioner shall report before the Trial Court daily at 10.30 a.m., on all working days 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, and shall not maintain any contact with the witnesses to the occurrence, the officials dealing with the case, or any other person who might be connected to the occurrence;

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[e] 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 Kerala [(2005)13 SCC 283];**

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

27.10.2026

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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 I Addl. NDPS Court, Chennai.

2. The Superintendent, Central Prison-1, Puzhal.

3. The Inspector of Police, S-8 Adambakkam Police Station, Chennai.

4. The Public Prosecutor, High Court of Madras.

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