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Crl.O.P.No.107 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-02-2026

CORAM

THE HONOURABLE MR JUSTICE K. RAJASEKAR

CRL OP NO.107 of 2026

Parthasarathy

... Petitioner/ Accused

Vs

The State rep. by,
The Inspector of Police,
Race Course Police Station,
Coimbatore City.
(Crime No.600 of 2024)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to grant bail to the petitioner/accused in C.C.No.126 of 2025 on the file of the Additional District and Special Court of Essential Commodities Act Cases at Coimbatore in connection with Crime No.600 of 2024.

For Petitioner(s) : Mr. J. Jayakumar

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 07.07.2025 in C.C.No.126 of 2025 on the file of the Additional District and Special Court of Essential Commodities Act Cases at Coimbatore, for the offences punishable under Sections 8(c) and 20(b)(ii)(C) of NDPS Act, 1985, seeks bail. This is the successive third bail application of the petitioner and the earlier bail applications of the petitioner were dismissed by this Court, vide orders dated 25.08.2025 and 16.10.2025 in Crl.O.P.Nos.22464 of 2025 and 28279 of 2025, respectively.

2. The case of the prosecution is that on 19.12.2024 at about 12:30 hours, based on a secret information, the respondent team went to the place of occurrence and intercepted A1 and A2; that after complying all the mandatory provisions under the NDPS Act, search and seizure was effected, thereby they were found in joint possession of 750 grams of Ganja; that thereafter based on their confession, further seizure of 20.200 kilograms of ganja was effected from A3; that during further course of investigation and confession of the co-accused, it is revealed that the petitioner herein had financed for procuring and transportation of Ganja from Orissa to



Tamilnadu, hence he has been arrayed as an accused in this case; that thereafter, the statement of the petitioner was recorded and he has been arrested and remanded to judicial custody.

3. The learned counsel appearing for the petitioner submitted that the petitioner has been falsely implicated in this case and he is in judicial custody since 07.07.2025; that the earlier bail applications of the petitioner were dismissed by this Court during the investigation stage, on the ground that the petitioner had financed the co-accused for illegal procuring and transportation of Ganja; that the final report filed by the respondent after concluding the investigation, clearly shows that only based on the confession of the petitioner and the co-accused, the petitioner has been implicated in this case; that apart from the confession, there are no other materials or evidence produced by the prosecution to substantiate the allegation levelled against the petitioner herein, which are sufficient to establish the fact that the petitioner is guilty of the offence; that further, no contraband was seized from the petitioner herein, hence the petitioner has satisfied the twin conditions under Section 37 of the NDPS Act. He further submitted that the co-accused in this case were granted bail by this Court, vide orders dated 05.08.2025 and 08.12.2025 in Crl.O.P.Nos.15895 and 32437 of 2025, respectively and by relying on the same, the learned counsel for the

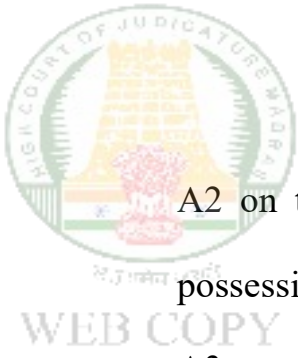


petitioner prays bail to the petitioner on the ground of parity and further submitted that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court.

4. The learned Government Advocate (Crl. Side) appearing for the respondent while opposing the bail to the petitioner reiterated the prosecution case and stated that the petitioner herein is arrayed as A6 in this case and statement of the arrested accused reveals that the petitioner herein had paid a sum of Rs.10,000/- to other accused for procuring and illicit transportation of Ganja from Orissa to Tamilnadu; that the contraband involved in this case is commercial quantity, hence Section 37 of the NDPS Act is applicable to the case of the petitioner. He further submitted that though witnesses have been included in the final report to speak about the arrest of the petitioner herein, the money paid by the petitioner is by way of cash, hence there was no bank transaction details available and opposed to grant bail.

5. I have considered the submissions made on both sides and perused the materials available on record.

6. Admittedly, the case was emanated from the arrest of A1 and



A2 on the basis of prior information on 19.12.2024, who were found in possession of 750 grams of Ganja; that based on their confession statement, A3 was arrested with 20.200 kilograms of Ganja; that on 18.01.2025, A4 was arrested with 240 grams of Ganja and on 07.03.2025, A5 was arrested with 215 grams of Ganja; that thereafter, the petitioner was arrested on 07.07.2025. It is the specific allegation that the petitioner has paid a sum of Rs.10,000/- to other accused for the purpose of purchasing Ganja and transporting the same from Orissa to Tamilnadu, whereas the final report only reads about the arrest of the accused made by the Investigation Officer in this case. Further, the other witnesses cited in the final report only speak about the arrest and recovery effected from the other co-accused.

7. Admittedly, the petitioner was arrested nearly after three months from the date of original seizure of commercial quantity to the extent of 20.200 kilograms of Ganja effected from A3 in this case. Apart from the confession statement, there is no other material to link the petitioner with the seized contraband in this case. As held by the Apex Court in ***Toofan Singh vs. The State of Tamil Nadu [AIR 2020 SCC 5592]***, the confession recorded under Section 67 of the NDPS Act is inadmissible as evidence unless it was leading to recovery of any material or discovery of any facts.



8. As observed above, since there is no material produced before this Court to establish the fact that the petitioner herein is having link with the seized contraband or the offence, this Court is of the view that the petitioner has satisfied the first condition of Section 37 of the NDPS Act. It is also stated that the petitioner is not involved in similar case of NDPS offences and he is also ready to abide by any stringent conditions and to provide solvent sureties, this Court is of the view that the petitioner has also satisfied the other conditions under Section 37(1)(b) of the NDPS Act, hence this Court is inclined to grant bail to the petitioner with certain conditions.

9. 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 Judicial Magistrate-III, Coimbatore** and on further conditions that:

[a] the sureties shall affix their 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 their identity;

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



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

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

17.02.2026

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Note :

1. Registry is directed to forthwith upload this order in the Official Website of this Court.

K. RAJASEKAR, J.

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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



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will also have a QR code.

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- To
1. The Judicial Magistrate-III, Coimbatore.
 2. The Inspector of Police,
Race Course Police Station,
Coimbatore City.
(Crime No.600 of 2024)
 3. The Superintendent,
Central Prison, Coimbatore.
 4. The Public Prosecutor,
High Court of Madras.

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