



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20-01-2026

CORAM

THE HONOURABLE MRS JUSTICE S.SRIMATHY

CRL OP(MD) NO. 657 of 2026

Divagar @ Anniyan Divagar

Petitioner(s)

Vs

The State of Tamil Nadu
Rep by The Inspector of Police
Town East Police Station
Thanjavur District.
Cr.No.441 of 2025.

Respondent(s)

For Petitioner(s): Mr.K.M.Karunakaran

For Respondent(s): Mr.E.Antony Sahaya Prabahar, Additional Public Prosecutor

Prayer:

C-32B.For Bail in Cr.No.441 of 2025 on the file of the respondent police.

ORDER

The petitioner/Accused No.1, who was arrested and remanded to judicial custody on 14.12.2025 for the offences punishable under Sections 8(c) read with 20(b)(ii)(B) of NDPS Act, 1985, in Crime No.441 of 2025, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the respondent police seized 3kg of ganja from the accused persons. Hence, this case.



3. The learned counsel for the petitioner submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. However, he has been arrested and he is languishing in jail from 14.12.2025. Therefore, he prays for grant of bail.

4. The learned Additional Public Prosecutor appearing for the respondent police opposed for grant of bail on the ground that the investigation is still pending. Further, the petitioner has 18 previous cases against him including one NDPS case.

5. Considering the fact that the quantity of ganja is an intermediate quantity and considering the period of incarceration, this Court is inclined to grant bail to the petitioner on certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail, on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Additional District Judge / Presiding Officer, Special Court under Essential Commodities Act, Thanjavur and on further conditions that,

a) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar



card or Bank Pass Book to ensure their identity;

b)the petitioner shall report before the Additional District Judge / Presiding Officer, Special Court under Essential Commodities Act, Thanjavur, daily at 10.30 A.M. and before the respondent police daily at 12.30 P.M. and 05.30 P.M. until further orders; Relaxation to modify this condition will not be considered for a period of two months.

c)the petitioner shall not tamper with evidence or witness;

d)the petitioner shall not abscond during 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 of BNS.

20-01-2026

Tmg



To

1. The Inspector of Police
Town East Police Station
Thanjavur District.

2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

3. Sub Jail,
Thanjavur.

4. Additional District Judge / Presiding Officer,
Special Court under Essential Commodities Act,
Thanjavur.