



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26-02-2026

CORAM

THE HONOURABLE MRS JUSTICE S.SRIMATHY

CRL OP(MD) NO. 810 of 2026

Arunkumar @ Pura Arun

Petitioner(s)

Vs

The State by The Inspector of Police
Pattukottai Town Police Station
Thanjavur District.
Cr.No.769 of 2025.

Respondent(s)

For Petitioner(s): Mr.R.Balamuruganantham

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

Prayer:

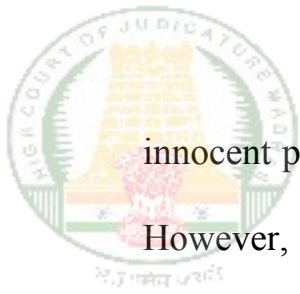
C-32B. For Bail in Cr.No.769 of 2025 on the file of the respondent police.

ORDER

The petitioner, who was arrested and remanded to judicial custody on 05.12.2025 for the offences punishable under Sections 8(c) and 20(b)(ii)(B) of NDPS Act, 1985, in Crime No.769 of 2025, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the respondent police seized 1.250 kg 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 05.12.2025.

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 10 previous cases against him including 4 NDPS cases.

5. Considering the fact that the quantity of ganja is an intermediate quantity and considering the period of incarceration, this Court already granted interim bail to the petitioner.

6. The learned counsel for the petitioner submits that the petitioner has been acquitted from one case and he is complying the conditions of interim bail.

7. While considering the bail application under NDPS, the Court ought to consider whether the accused is satisfying the twin tests stated in section 37 of the NDPS Act, since the provision states that no person is entitled to bail unless the accused is satisfying the twin test prescribed under the section. The said section is extracted hereunder:



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"[37. Offences to be cognizable and non-bailable.—(1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974),—

(a) every offence punishable under this Act shall be cognizable;

(b) no person accused of an offence punishable for 3[offences under section 19 or section 24 or section 27A and also for offences involving commercial quantity] shall be released on bail or on his own bond unless—

i. the Public Prosecutor has been given an opportunity to oppose the application for such release, and

ii. where the Public Prosecutor opposes the application, the court is satisfied that there are reasonable grounds for believing that he is not guilty of such offence and that he is not likely to commit any offence while on bail.

(2) The limitations on granting of bail specified in clause (b) of subsection (1) are in addition to the limitations under the Code of Criminal Procedure, 1973 (2 of 1974) or any other law for the time being in force on granting of bail.]"

8. The section states to issue notice to the Public Prosecutor. This Court had issued notice to the Public Prosecutor and the learned Special Public Prosecutor appearing for the respondent / prosecution vehemently opposed for granting bail. Hence the said condition is satisfied.

9. The section further states if the Public Prosecutor opposes the bail, then the



Court ought to satisfy itself the twin test,

- i. that there are reasonable grounds for believing that he is not guilty of such offence and*
- ii. that he is not likely to commit any offence while on bail.*

The petitioner satisfies the twin test.

10. Taking into consideration of the facts and circumstances of the case and since the petitioner has complied with the conditions imposed in the interim bail regularly, the interim bail already granted is made absolute and this Court is inclined to grant bail to the petitioner with certain conditions.

11. Accordingly, the petitioner is ordered to be released on bail on conditions that,

a)the petitioner shall report before the Special Court for EC Act, Thanjavur, Thanjavur District, daily at 10.30 A.M. for a period of two weeks and thereafter, as and when required.

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

c)the petitioner shall not abscond during trial;

d)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].

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e) If the accused thereafter absconds, a fresh FIR can be registered under Section 269
of BNS.

The sureties already produced by the petitioner shall hold good.

26-02-2026

Tmg

To

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

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

3.District Prison,
Pudukottai, Pudukottai District.

4.Special Court for EC Act,
Thanjavur, Thanjavur District.