



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26-02-2026

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THE HONOURABLE MRS JUSTICE S.SRIMATHY

CRL OP(MD) NO. 1100 of 2026

Raju

Petitioner(s)

Vs

The Inspector of Police
K-4 Anjugramam Police Station,
Kanyakumari District.
Crime No. 344 of 2025

Respondent(s)

For Petitioner(s): Mr.G.V.Sridharan

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

Prayer: - For Bail in Cr.No.344 of 2025 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A-8, who was arrested and remanded to judicial custody on 08.12.2025 for the offences punishable under Sections 8(c), 20(b)(ii)(A), 22(b), 27(a) and 29(1) of NDPS Act and Section 4(1)(c) and 24 of the Tamil Nadu Prohibition Act, in Crime No.344 of 2025, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner is the owner of M/s. Indien Hermitage Resort, and A-1 approached the petitioner for a birthday celebration and booked all 13 cottages for the period from 06.12.2025 to 08.12.2025. While so, the respondent police suddenly entered the resort premises and seized the contraband substances from the accused persons. Hence, the complaint.



3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and is in no way connected with the alleged occurrence as stated by the prosecution. He further submitted that the petitioner is the owner of the cottage and that there is no specific overt act attributed to him. The petitioner is ready and willing to abide by any conditions that may be imposed by this Court. Hence, she seeks bail for the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent police submitted that the specific overt act attributed to the petitioner is that he allowed the other accused persons to use the following narcotic items:

1. OG 5.100 gm
2. Ganja 25gm
3. Methamphetamine 1.100 ml
4. MDMA Powder 600 ml
5. Cocaine 250 mg
6. Ganja Oil 6.300 gm
7. LSD Stamp 3

He further submitted that the recovered contraband is not a commercial quantity



except LSD Stamp.

5. The prosecution also submitted that there is a bar for granting bail under section 37 of NDPS and the petitioner ought to satisfy the twin test stated under section 37 of NDPS Act. The said section is extracted hereunder:

[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 sub-section (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.]

6. The section states to issue notice to the Public Prosecutor. This Court had issued notice to the Public Prosecutor, who in turn had submitted objections and opposed to grant bail. Hence the said condition is satisfied.



7. 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

8. In the present case, it is seen that that the petitioner was arrayed as accused since the petitioner had allowed the other accused persons to use the contraband, but the fact is the petitioner being the owner of the cottage had allowed to use the premises to celebrate birthday party, it is the other accused had used the narcotic substances in the birthday party. The specific contention of the petitioner is that he is not aware that the other accused are in possession of contraband. In such circumstances, there are reasonable grounds for believing that he may not be guilty of offence since there is no conscience possession of contraband. Hence, the first test of 'chance of conviction' is favouring the petitioner. Therefore, this Court is of the considered opinion that the petitioner deserves to be considered for bail.

9. As far as the 2nd sub clause is concerned it is seen that the petitioner is not having any previous case. Hence the second test of "likely to commit the same offence" may not support the case of the prosecution. Therefore, petitioner is entitled to be considered for the bail.



10. Therefore, considering the fact that the twin test is in favour of the petitioner, the fact that except LSD the other narcotic items are not commercial, the specific overt is that the petitioner has allowed to use his cottage for using narcotic items during birthday party, the petitioner is not having any previous case, the age of the petitioner and also considering the period of incarceration suffered by the petitioner, this Court already granted interim bail to the petitioner till **20.02.2026**.

11. This Court is convinced that he is the owner and he let the resort for conducting Rave Party which includes consuming alcohol. This Court has already held that he has satisfied the twin test.

12. 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.

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

a) the petitioner shall report before the respondent police 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;

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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].

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

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To

1. The Principal Special Court for NDPS Act Cases,
Madurai.

2.The Inspector of Police
K-4 Anjugramam Police Station,
Kanyakumari District.

3. Sub-Jail, Nagercoil.

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