

CRL OP(MD). No.3015 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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(Criminal Jurisdiction)

Date : 17.04.2026

PRESENT

THE HONOURABLE MR.JUSTICE P.DHANABAL

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Eswaran

... Petitioner / Accused No.1

Versus

The State of Tamilnadu,
Rep by the Inspector of Police,
Usilampatty Town Police Station,
Madurai District.
(Crime No.455 of 2023)

... Respondent / Complainant

PRAYER :-Criminal Original Petition filed under Section 483 of the BNSS, 2023, to enlarge the petitioner on bail in Crime No.455 of 2023 on the file of the respondent police.

For Petitioner : Mr.G.Karuppasamy Pandian
for Mr.J.Peer Mohammed

For Respondent : Mr.B.Nambi Selvan,
Additional Public Prosecutor



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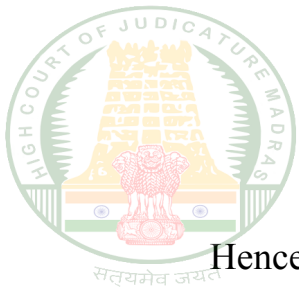
ORDER : The Court made the following order :-

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The petitioner/accused, who was arrested and remanded to judicial custody on 07.09.2023 for the offences punishable under Sections 8(c), 20(b)(ii)(C), 25 and 29(1) of the Narcotic Drugs and Psychotropic Substances Act, 1985, in Crime No.455 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that, on 06.09.2023 at about 04:30 p.m., the respondent police, based on secret information, proceeded to the spot along with a police party and necessary equipment, and found the accused persons in possession of 22 kilograms of ganja. Hence, the case has been registered.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and has not committed any offence as alleged by the prosecution. He would further submit that 12 kgs alone was recovered from the petitioner. He would also submit that A2 was already granted bail by this Court. He would also submit that the petitioner was arrested and remanded to judicial custody on 07.09.2023.



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Hence, he seeks grant of bail for the petitioner.

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4. The learned Additional Public Prosecutor appearing for the respondent police would submit that the petitioner has been arrayed as A1. He would further submit that there are two previous cases pending against the petitioner, out of which, one case is similar in nature. Therefore, he opposed the grant of bail to the petitioner.

5. This Court heard the learned counsel appearing on either side and perused the materials placed on record.

6. Considering the rival submissions made by the learned counsel on either side, the nature of offence, even according to the prosecution the contraband involved is a commercial quantity, the contraband was recovered from each person through separate mahazar and in respect of this petitioner, the recovered contraband is 12 kgs, which is not commercial quantity, though the petitioner has one previous case of a similar nature, the same has already ended in acquittal, and also considering the period of incarceration of the petitioner from 07.09.2023, this Court is inclined to grant bail to the petitioner subject to the

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following conditions:

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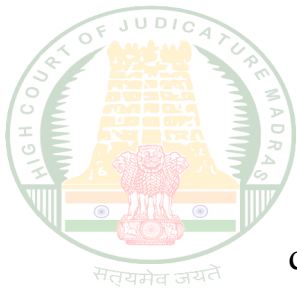
[a] Accordingly, the petition is allowed and the petitioner is ordered to be released on bail on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Principal District and Sessions Court for EC and NDPS Act Cases, Madurai, and on further conditions that :-

[b] the petitioner shall report before the learned Principal District and Sessions Court for EC and NDPS Act Cases, Madurai daily at 10.30 a.m. and 05.00 p.m., on all working days, until further orders;

[c] the petitioner shall not commit any offence similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected;

[d] the petitioner shall not abscond either during investigation or trial;

[e] the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from



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disclosing such facts to the Court or to any police officer or
tamper with the evidence;

[f] 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]***; and

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 BNS.

17.04.2026

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To

- 1.The Principal District and Sessions Court for EC and NDPS Act Cases, Madurai.
- 2.The Superintendent,
Central Prison,
Madurai.
- 3.The Inspector of Police,
Usilampatty Town Police Station,
Madurai District.

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



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P.DHANABAL,J.

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ORDER
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