



Crl.O.P(MD).No.3593 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 09.03.2026

CORAM

THE HON'BLE MR.JUSTICE K.K.RAMAKRISHNAN

CRL OP(MD)No.3593 of 2025

Sibaniya

**... Petitioner/
Accused No.6**

- Vs-

**The State of Tamil Nadu,
Represented by
The Inspector of Police,
PEW – Thoothukudi Police Station,
Thoothukudi District.
(Crime No.584 of 2023)**

... Respondent/

Prayer: Criminal Original Petition filed under Section 483 of BNSS, 2023, to release the petitioner/accused on bail in C.C.No.62 of 2024 on the file of the Principal Special Court for Trial of NDPS Act Cases, Madurai.

For Petitioner : Mr.N.Sudharsan

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

ORDER : The Court made the following order :-

The petitioner/A6, who was arrested and remanded to judicial custody



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on 29.08.2023 for the offences punishable under Sections 8 (c), 20(b) (ii) (c) 25 and Section 29 (1) of Narcotic Drugs and Psychotropic Substances Act, 1985, in Crime No.584 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 28.08.2023 at about 13.00 hours, the Inspector of Police received secret information about the illegal transportation of 228 kgs of Ganja in the vehicle bearing Registration No.TN Bajaj 07-CK-2123 Innova Crysta Car. Based on the same, the respondent police and his team went to spot and intercepted the vehicle wherein all the accused had travelled and they were in possession of contraband. Thereafter, after following procedure under the NDPS Act, recovered contraband and arrested the accused and registered the case in Crime No.584 of 2023. During the course of investigation, the involvement of the petitioner (A6) was discovered, and he was subsequently arrested and remanded to judicial custody. Upon completion of the investigation, a final report was filed.



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3. The learned counsel appearing for the petitioner submitted that the petitioner was not present at the scene of occurrence and has been implicated solely on the basis of the confession of the co-accused. He further contended that there has been total non-compliance of Section 42 of the NDPS Act. Hence, he seeks the grant of bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioner's name has been included in the FIR and that his involvement has been clearly spoken by the other accused. It was further submitted that the petitioner was also present in the scene of occurrence. In view of the above, he was arrested and remanded to judicial custody. He further submitted that the requirements of Section 42 of the NDPS Act have been duly complied with and, in any event, as per the Hon'ble Constitution Bench judgment of Hon'ble Supreme Court in the case of *(Karnail Singh Vs. State of Haryana)* reported in **2009 8 SCC 539** and *(Vijaysinh Chandubha Jadeja Vs. State of Gujarat)* reported in **2011 1 SCC 609**, non-compliance with Section 42 is not, by itself, a ground for granting bail. Hence, he opposed to grant bail to the petitioner.



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5. Recording the submissions of the learned Additional Public Prosecutor, and considering that the petitioner was allegedly in possession of a huge quantity of contraband, this Court is not inclined to grant bail to the petitioner. Even with regard to the contention of non-compliance of Section 42 of the NDPS Act, this Court is of the view that the same cannot, by itself, be a ground for granting bail, particularly when the petitioner has failed to satisfy the requirements under Section 37 of the NDPS Act.

6. Accordingly, this Criminal Original Petition stands dismissed.

(K K R K J)

09.03.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

1. The Inspector of Police,
PEW – Thoothukudi Police Station,
Thoothukudi District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
3. The Principal Special Court for Trial of NDPS Act Cases,
Madurai.



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K.K.RAMAKRISHNAN, J.

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