



CRL OP(MD). No.5374 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01.04.2026

PRESENT

THE HONOURABLE MR. JUSTICE P. DHANABAL

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Tarakeshwar Bariko

...Petitioner/Accused

Vs

State of Tamil Nadu rep. by
The Inspector of Police,
Thenkarai Police Station
Theni District
(Crime No.759 of 2025)

...Respondent/Complainant

For Petitioner : M/s.Nithya Sowmya
For Respondent : Mr.B.Nambi Selvan
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Cr.No.759 of 2025 on the file of the respondent police.



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ORDER : The Court made the following order :-

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The petitioner / A5, who was arrested and remanded to judicial custody on 06.12.2025 for the offences punishable under Sections 8(c) r/w. 20(b)(ii) (C) and Section 29(1) of NDPS Act in Crime No.759 of 2025 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused were found in illegal possession of 22kgs of ganja . Hence the case.

3. The learned counsel for the petitioner would submit that the respondent police has registered a false case against the petitioner and he has not committed any offence as alleged by the prosecution. He would further submit that the petitioner has been implicated as an accused based on the confession given by the co-accused. The petitioner has been arrested and remanded to judicial custody on 06.12.2025. Hence, he prays to grant bail to the petitioner.



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4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner along with other accused were found in illegal possession of 22kgs of ganja which is a commercial quantity. There are materials available as against the petitioner and the investigation is still pending. Hence, he opposed to grant bail to the petitioner.

5. This Court heard both sides and perused the materials available on record.

6. Considering the rival submissions made by the learned counsel on either side and also the considering the fact that the alleged commercial quantity of contraband has been recovered from A1 and based on the confession statement given by the co-accused this petitioner has been implicated as an accused and when they searched A7 at that time these persons were along with A7 and contraband was recovered on different place and the petitioner is no way is connected with the first occurrence and the contraband recovered from this petitioner is not a commercial quantity and the no previous case is pending against the petitioner also



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taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions:

[a] Accordingly, the petitioner is ordered to be released on bail on condition to execute 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 Sessions Judge, Principal Special Court for trial of NDPS Act Cases, Madurai and on further conditions that:

[b] the petitioner shall report before the trial Court on all working days at 10.30 a.m., and 5.30 pm., 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 disclosing such facts



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to the Court or to any police officer or tamper with the evidence;

[f] On breach of any of the aforesaid conditions, the learned Judicial 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].

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

(P D B J)
01.04.2026

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To

- 1.The Principal Special Court for trial of NDPS Act Cases, Madurai
- 2.The Inspector of Police,
Thenkarai Police Station
Theni District
3. The Superintendent, District Jail, Theni
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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P. DHANABAL, J

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ORDER
IN
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