



CRL OP(MD). No.6026 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 16/04/2026

CORAM

THE HONOURABLE MR. JUSTICE P. DHANABAL

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Malungu Masthan

... Petitioner/ Accused No.3

Vs

The State of Tamilnadu Rep by,
The Inspector of Police,
SP Pattinam Police Station,
Ramanathapuram District.
Crime No.61 of 2025.

... Respondent/ Complainant

PRAYER :-

To enlarge the petitioner/ Accused No.3 on the bail in C.C.No.18 of 2026 on the file of the learned Additional District and Sessions Judge / Presiding Officer, Special Court for EC and NDPS Act Cases, Pudukkottai and pass such other orders as..

For Petitioner : Yasar Arafath K,
Advocate.

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

ORDER

The petitioner / A3, who was arrested and remanded to judicial



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custody on 01.10.2025 for the offences punishable under Sections 8(c) r/w 20(b)(ii)(C) NDPS, Act, in Crime No.61 of 2025 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 05.07.2025, at about 09.00 a.m, on secret information received from the Village Administrative Officer that she caught contraband and other illegal items in the possession of the accused, the respondent police went to the place of occurrence and seized 78 kg of ganja, 4 cell phones, 1 GPS instrument and 1 two wheeler bearing Reg.No.TN-48-BB-6467. After enquiry, A5 confessed that he and five other accused tried to smuggle the said seized material to Sri Lanka. Hence the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he was falsely implicated in this case and he has not committed any offence as alleged by the prosecution. He would further submit that no recovery was made from the petitioner and only based on confession made by the co-accused, the petitioner was implicated in this case and the co-accused were already arrested and



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released on bail and no previous case is pending against the petitioner and he has been arrested and remanded to judicial custody on 01.10.2025. Therefore, prayed to grant bail for the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent strongly opposed to grant bail to the petitioner on the ground that the the contraband involved in this case is a commercial quantity. However, he fairly conceded that no recovery was made from the petitioner and only based on the confession made by the co-accused, the petitioner was implicated in this case and the co-accused were arrested and released on bail by the Sessions Court and no previous case is pending against 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, nature of offence, and only based on the confession



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statement of the co-accused, the petitioner was arrayed as accused and no contraband was recovered from this petitioner and the entire contraband was recovered from A5 & A6 only and they are arrested and released on bail by the Sessions Court and no previous case is pending against the petitioner and also considering the period of incarceration undergone by the petitioner, 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 Additional District and Sessions Judge/Presiding Officer Special Court for E.C and NDPS Act Cases, Pudukkottai, and on further conditions that:

[b] the petitioner shall report before the trial Court on all working days at 10.30 a.m and 05.00 p.m 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 she is suspected;

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



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[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 her from 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 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.

16.04.2026

dss

P. DHANABAL,J

dss

To

1.The Additional District and Sessions Judge/
Presiding Officer Special Court for E.C and NDPS Act Cases,

5/6



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Pudukkottai.

2. The Inspector of Police,
SP Pattinam Police Station,
Ramanathapuram District.
3. The Superintendent,
District Prison, Pudukkottai.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.6026 of 2026

Date : 16/04/2026