



CRL OP(MD). No.6604 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17.04.2026

PRESENT

THE HONOURABLE **MR. JUSTICE P. DHANABAL**

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Mujahith Ali

...Petitioner/Accused No.3
Vs

State of Tamil Nadu rep. by
The Inspector of Police,
Cumbum South Police Station,
Theni District.
(Crime No.244 of 2024)

...Respondent/Complainant

For Petitioner : Mr.SMA.Jinnah

For Respondent : Mr.B.Nambi Selvan

Additional Public Prosecutor

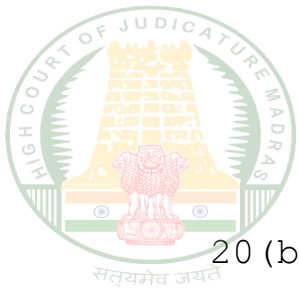
PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :- For Bail in Cr.No. 244 of 2024 on the
file of the respondent police.

ORDER : The Court made the following order :-

The petitioner /A3, who was arrested and
remanded to judicial custody on 13.11.2024 for
the offences punishable under Sections 8(c),

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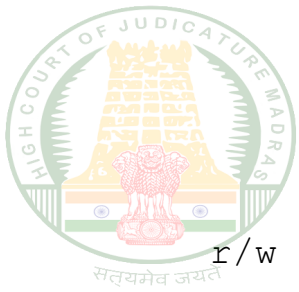


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20(b) (ii) (C), 25 and 29(1) of NDPS Act, 1985, in Crime No.244 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 13.11.2024 at about 16.30 hours, the defacto complainant/police official received the secret information regarding the transportation of Ganja in Hero Honda Splendor bike bearing Registration Nos.TN 57 AU 8310 and TN 39 AX 3314 0007 near bus stand, at Cumbum to cuddalore road. Thereafter, the respondent Police arrived at the alleged occurrence and found that the petitioner and other accused person were in illegal possession of 21 kgs of Ganja. Hence, the case.

3. The learned counsel for the petitioner would contend that the respondent police have registered a false case against the petitioner for the offences punishable under Sections 8(c)



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r/w 20(b)(ii)(C), 25 and 29(1) of NDPS Act, 1985.

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The petitioner is an innocent and he is nothing to do with the alleged offences. He would further contend that the contraband was recovered from the petitioner is not a commercial quantity. He is in judicial custody from 13.11.2024. Therefore he prayed to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the accused was found in illegal possession of 21 kgs of Ganja. He would further submit that the petitioner has no previous cases. He would further submit that the investigation is still pending and hence, he strongly opposed to grant bail to the petitioner.

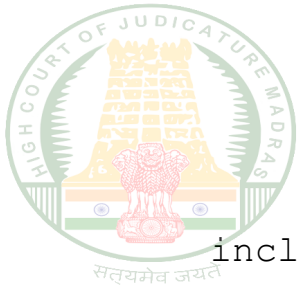
5. This Court heard both sides and perused the materials available on record.



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6. Considering the rival submissions made by the learned counsel on either side and the nature of the offence, though the prosecution has stated that all the accused were in conscious possession of a commercial quantity, it is noted that two separate vehicles were involved in this case and different persons travelled in each vehicle and the alleged contraband was recovered from different persons under separate mahazars, however, the prosecution has clubbed all the contraband and treated it as a commercial quantity, and as far as the petitioner is concerned, only 4 kgs of ganja were recovered through a separate Mahazar and therefore, the contraband recovered from the petitioner is not a commercial quantity and also considering the fact that the co-accused has already been granted bail by this Court and the petitioner has no previous cases and the period of incarceration undergone by the petitioner from 13.11.2024, this Court is



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inclined to grant bail to the petitioner, subject

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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 Special Court under Essential Commodities and NDPS Act cases, Madurai, and on further conditions that:

[b] the petitioner shall report before the learned Special Court under Essential Commodities and NDPS Act cases, Madurai, 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 she is accused, or suspected, or of the commission of which she is suspected;



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[d] the petitioner shall not abscond
WEB COPY 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 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].



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[g] If the accused thereafter

WEB COPY absconds, a fresh FIR can be registered
under Section 269 BNS.

(P D B J)

17.04.2026

vsg

To

1.The llearned Special Court under Essential
Commodities and NDPS Act cases, Madurai.

2.The Superintendent,
Central Prison, Theni.

3.The Inspector of Police,
Cumbum South Police Station,
Theni District.

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



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P. DHANABAL, J.,

vsg

ORDER
IN
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