



CRL OP(MD). No.7996 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/02/2026

PRESENT

The HONOURABLE MRS. JUSTICE S.SRIMATHY

CRL OP(MD). No.7996 of 2025

K.Manoj Prabhu,
S/o. Krishnan,

... Petitioner/Accused

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Nib-Cid,
Trichy,
(In Crime No.08 of 2024)..

... Respondent/Complainant

For Petitioner : Mr.G.Naveen Kumar,
For Respondent : Mr.T.Senthil Kumar,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :- To enlarge the petitioner on bail in C.C.No.198 of 2024 on the file of Special Court for NDPS Act Cases, Pudukottai in Crime No.08 of 2024.

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CRL OP(MD). No.7996 of 2025

ORDER : The Court made the following order :-

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The Criminal Original Petition has been filed to enlarge the petitioner on Bail in connection with C.C.No.198 of 2024 on the file of Special Court for NDPS Act Cases, Pudukottai, in Crime No.08 of 2024. The petitioner is under judicial custody from 23.05.2024 without trial reaching completion and the prolonged detention amounts to pre-trial punishment and infringes personal liberty granted under Article 21.

2. The case of the prosecution is that on 22.05.2024 ganja weighing about 22 kilograms was seized from a lorry and three accused were arrested at the spot.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that no previous case is pending against the petitioner and also submitted that the petitioner is an engineering graduate. Due to unemployment, he purchased a lorry under



CRL OP(MD). No.7996 of 2025

hypothecation from Cholamandalam Investment and commenced a transportation business. In order to repay the loan amount, he himself acted as the driver of the lorry. The petitioner was not aware of the contents of the parcel or what was kept inside it, to that effect, he has also filed an affidavit before this Court and the same is extracted as follows:

“AFFIDAVIT FILED BY THE PETITIONER

1, K.Manoj Prabhu, son of Krishnan, Hindu, aged about 31 years, residing at No.4/2, 83b. West Street, Thimmanpatti, Mallanginar, Virudhunagar District, now confined at Central Prison, Trichy do hereby solemnly affirmed and sincerely state as follows:-

1) I am the petitioner herein, well acquainted with the facts and circumstances of the case and hence competent to swear to this affidavit.

2) I submit that I am an Engineering Graduate. I have completed my under graduation in Mechanical Engineering in 2018. Thereafter, due to unemployment and my family situation I have decided to start lorry service. In 2021, I purchased a lorry under hypothecation from Cholamandalam Investment and Finance Company Limited. Thereafter, I got All India Permit for transportation of goods.

3) I submit that due to my financial situation and in order to repay the loan amount I will act as driver for my lorry often. For the past 4 years till the date of alleged occurrence I have been run my lorry service without any room for allegation. While so, that on 16.05.2024 I along with one Balamurugan/Al loaded house holds articles from Coimbatore and delivered it in Vijayawada on 17.05.2024.

4) we I submit that subsequently that on 20.05.2024 I got transportation consignment from Guntur to Trichy to deliver pesticides. When started from Guntur, the said Balamurugan/Al kept a parcel stating that he has to deliver it to his friend in Trichy. I have no knowledge about the parcel and what was kept inside the parcel. Thereafter we proceed towards Trichy



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CRL OP(MD). No.7996 of 2025

and delivered the pesticides. Subsequently when we taken the lorry and come to highways the respondent police stopped our lorry and arrested me as well as Balamurugan/Al stating that Ganja was transported in my lorry. I have nothing to do with the parcel and have no knowledge about the contra band seized.”

However, he has been arrested and he is languishing in jail from 23.05.2024. Therefore, he prays for grant of bail.

4. As per the prosecution the petitioner along with the co-accused was having 22 Kgs of ganja, which is commercial quantity and no previous case is pending against the petitioner.

5. While considering the bail application under NDPS, the Court ought to consider whether the accused is satisfying the twin conditions stated in section 37 of the NDPS Act, since the provision states that no person is entitled to bail unless the accused is satisfying the twin test prescribed under the section. The said section is extracted hereunder:

"[37. Offences to be cognizable and non-bailable.—(1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974),—



(a) every offence punishable under this Act shall be cognizable;

(b) no person accused of an offence punishable for 3[offences under section 19 or section 24 or section 27A and also for offences involving commercial quantity] shall be released on bail or on his own bond unless—

(i) the Public Prosecutor has been given an opportunity to oppose the application for such release, and

(ii) where the Public Prosecutor opposes the application, the court is satisfied that there are reasonable grounds for believing that he is not guilty of such offence and that he is not likely to commit any offence while on bail.

(2) The limitations on granting of bail specified in clause (b) of sub-section (1) are in addition to the limitations under the Code of Criminal Procedure, 1973 (2 of 1974) or any other law for the time being in force on granting of bail.]"

6. The section states to issue notice to the Public Prosecutor. This



CRL OP(MD). No.7996 of 2025

Court had issued notice to the Public Prosecutor and the learned Additional Public Prosecutor appearing for the respondent / prosecution vehemently opposed for granting bail. Hence the said condition is satisfied.

7. The section further states if the Public Prosecutor opposes the bail, then the Court ought to satisfy itself the twin test,

- a. that there are reasonable grounds for believing that he is not guilty of such offence and*
- b. that he is not likely to commit any offence while on bail.*

8. The learned counsel for the petitioner submitted that no previous case is pending against the petitioner and also submitted that the petitioner is an engineering graduate. Due to unemployment, he purchased a lorry under hypothecation from Cholamandalam Investment and commenced a transportation business. In order to repay the loan amount, he himself acted as the driver of the lorry. The petitioner was not aware of the contents of the parcel or what was kept inside it.

9. For the reasons stated supra, this Court is of the considered



CRL OP(MD). No.7996 of 2025

opinion that the petitioner is entitled to bail and the petitioner satisfying the second condition and accordingly the same is granted with certain conditions.

10 . Accordingly, 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 Additional District Judge, Special Court for NDPS & EC Act Cases, Pudukottai, and on further conditions that,

- (i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;
- (ii) the petitioner shall report before the Trial Court daily at 10.30 a.m., for two weeks and thereafter, at 10.30 a.m., once in a week and on all date of hearing until further orders;
- (iii) the petitioner shall not tamper with evidence or witness;
- (iv) the petitioner shall not abscond during trial;
- (v) On breach of any of the aforesaid conditions, the learned



CRL OP(MD). No.7996 of 2025

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].

- (vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS.

11. Accordingly, this Criminal Original Petition for bail is allowed.

(S S Y J)
20.02.2026

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TO

1. The Additional District Court, Special Court
for NDPS & EC Act Cases,
Pudukottai.
2. The Superintendent,
Central Prison,
Trichy.

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CRL OP(MD). No.7996 of 2025

3. The Inspector of Police,
Nib-Cid,
Trichy,

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



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CRL OP(MD). No.7996 of 2025

S.SRIMATHY,J

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**ORDER
IN
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