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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 28.04.2026

CORAM

THE HONOURABLE MR. JUSTICE P. DHANABAL

CRL OP(MD). No.7471 of 2026

Dhilipkumar

... Petitioner/ Accused No.4

Vs

The State of Tamil Nadu,
Rep. by Its, the Inspector of Police,
Theppakulam Police Station,
Theppakulam,
Madurai City.
Crime No.264 of 2023.

... Respondent/ Complainant

PRAYER :-

To enlarge the petitioner on bail in C.C.No.1017 of 2023 on the file of the Special Court for NDPS Act Cases, Madurai.

For Petitioner : T.A.Ebenezer,
Advocate.

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

ORDER

The petitioner / A4, who was arrested and remanded to judicial



custody on 13.06.2023 for the offences punishable under Sections 20(b)

(ii)(C), 29(1) and 8(c) of NDPS Act, in Crime No.264 of 2023 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 13.06.2023 at about 07.00 a.m, on secret information, the respondent police went to the Keelmadurai Railway Station at Madurai, and on seeing the police, the accused tried to escape from the scene of occurrence. However, the respondent police nabbed them and found 24 kg of ganja. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that this is the third bail petition and earlier petitions filed by the petitioner were dismissed by this Court and the petitioner is in judicial custody from 13.06.2023 onwards. Therefore, he prayed to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the contraband involved in this case is a



commercial quantity and this is a third bail petition and earlier petitions were dismissed by this Court and now, the case was posted for examination of Investigating Officer. Hence, he strongly 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, nature of offence, and though this Court dismissed the earlier bail petitions on the ground that the quantity involved in the case is a commercial quantity, the contraband has been recovered through separate mahazar from different persons and from each person separately through separate mahazar 6 kg has been recovered and all the contraband has been collected together and it cannot be termed as a commercial quantity and as far as the petitioner is concerned, the quantity recovered from him is only 6 kg and that is not a commercial quantity and this point has not been considered in the earlier bail petitions 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:

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[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 **Special Court for 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 until further orders.**

[c] the petitioner shall not commit any offence similar to the offence of which he/she is accused, or suspected, or of the commission of which he/she 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 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



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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.

28.04.2026

DSS

P. DHANABAL,J

DSS



TO

1. The Special Court for NDPS Act Cases, Madurai,

2. Inspector of Police,
Theppakulam Police Station, Theppakulam, Madurai City.

3. The Superintendent,
Central Jail, Madurai.

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

ORDER
IN

CRL OP(MD) No.7471 of 2026

Date : 28.04.2026