



Crl.O.P.(MD)No.8416 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11.06.2026

PRESENT

THE HONOURABLE MR. JUSTICE P. DHANABAL

CRL OP(MD). No. 8416 of 2026

Prathap Swain

...Petitioner

Vs

State of Tamil Nadu rep. by
The Inspector of Police,
Naduveerapattu Police Station,
Cuddalore District.
(Crime No.261 of 2025)

...Respondent/Complainant

For Petitioner : Ms.P.Vimala
Advocate

For Respondent : Mr.G.Ganesh Kumar
Government Advocate (Crl. Side)

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Cr.No. 261 of 2025 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner / Accused, who was arrested and remanded to judicial custody on 06.10.2025, for the offences punishable under Sections 8(c) r/w. 20(b)(ii)(C) of NDPS Act, in Crime No.261 of 2025 on the file of the



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respondent police, seeks bail.

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2. The case of the prosecution is that on secret information on 05.10.2025 the respondent police went to the scene of occurrence, where they found the accused persons are in possession of 20 kilograms of ganja. 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. Though the quantity mentioned as commercial quantity in respect of the petitioner it was 1.036 kgs., which is not commercial quantity, recovered through separate mahazar. Co-accused in this case have been released on bail. Hence, he prayed bail for the petitioner.

4. The learned Government Advocate (crl. Side) appearing for the respondent would submit that the offence are grave in nature. The quantity involved in this case is commercial quantity and recovered through separate mahazar. The petitioner has no previous case. Investigation has been completed and charge has also been filed before the concerned Court. Hence, he opposed the grant of bail to the petitioner.



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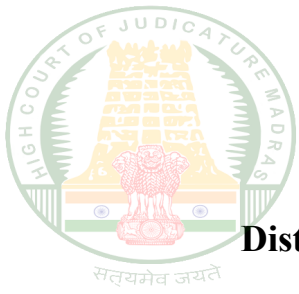
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5. This Court heard both sides and perused the materials available on record.

6. Considering the rival submissions made by the learned counsel on either side, considering the nature of charges levelled against the petitioner, though the prosecution has stated that the quantity involved in this case is commercial quantity, the contraband was recovered through separate mahazar and the same has been clubbed together, this petitioner is concerned the contraband recovered is 1.036 kgs., which is not commercial quantity, the petitioner has no previous case, co-accused has also been released on bail, and 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 learned **Additional District Judge/Presiding Officer, Special Court under Essential Commodities Act, Thanjavur**, and on further conditions that:

[b] the petitioner shall report before the learned **Additional**



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District Judge/Presiding Officer, Special Court under Essential

Commodities Act, Thanjavur, at 10.30 a.m., on all working days,

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 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 absconds, a fresh FIR can be

registered under Section 269 BNS.

(P D B J)
11.06.2026

TM

To

- 1.The Additional District Judge/Presiding Officer, Special Court under Essential Commodities Act, Thanjavur.
- 2.The Inspector of Police,
Naduveerapattu Police Station,
Cuddalore District. (Crime No.261 of 2025)
- 3.The Superintendent, Central Prison, Trichy.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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P. DHANABAL, J.

TM

ORDER
IN
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