



CrI.O.P.(MD)No.9659 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02.07.2026

PRESENT

THE HONOURABLE MR. JUSTICE K. RAJASEKAR

CRL OP(MD). No. 9659 of 2026

Prakash @ Chinna Eli

...Petitioner

Vs

State of Tamil Nadu rep. by
The Inspector of Police,
Jaihindpuram Police Station,
Madurai City.
(Crime No.738 of 2025)

...Respondent/Complainant

For Petitioner : Mr.B.Santhanam Rajesh Kumar
Advocate

For Respondent : Mr.T.Lenin Kumar
Counsel for State of TN (Crl. Side)

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Cr.No. 738 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 31.07.2025, for the offences punishable under Section 8(c) r/w. 20(b)(ii)(C) and 25 of NDPS Act, in Crime No.738 of 2025 on the file of the



Crl.O.P.(MD)No.9659 of 2026

respondent police, seeks bail.

WEB COPY

2. The case of the prosecution is that on 31.07.2025, at about 6.35 hours, based on secret information, the Sub Inspector of Police, along with a police team, left the police station and proceeded to Jaihindpuram, Madurai City, below the Rathinadevar Bridge, near the Sivananda Jeevasamadhi. There, the petitioner and the other co-accused were allegedly found in joint possession of 22 kilograms of ganja. It is further alleged that Accused Nos. 1 to 3 had purchased the said ganja from the 4th accused. Accused Nos. 1 to 3 were arrested on the spot, and the contraband was seized by the respondent police. Samples were also drawn from the seized contraband in accordance with the prescribed procedure. Hence, the complaint.

3. he learned counsel appearing for the petitioner would submit that the petitioner is innocent and has been falsely implicated in this case and that he has not committed any offence as alleged by the prosecution. He would further submit that Accused Nos.1 to 3 were arrested at the very same place of occurrence and that the overt acts attributed to all the accused are similar in nature. He would contend that the recovery is alleged to have been made only from Accused No.1 and that no recovery was effected from Accused Nos.2 and



CrI.O.P.(MD)No.9659 of 2026

3 or the other accused. He would further submit that this Court, while considering the bail application of Accused No.3, granted bail on the ground that no recovery had been effected from the petitioner therein and that there was no direct nexus between the seized contraband and the said petitioner. The petitioner has been in judicial custody since 31.07.2025 and is ready to abide by any condition that may be imposed by this Court. Hence, he prayed that the petitioner may be enlarged on bail.

4. The learned Counsel appearing for the State reiterated the prosecution case and submitted that all the accused were found together at the place of occurrence. It is alleged that Accused No.1 was found in possession of the contraband and that the other accused were also present at the scene and had knowledge of the possession of ganja. Therefore, according to the prosecution, the petitioner was in conscious possession of the contraband. He would further submit that the petitioner is involved in 13 previous criminal cases. He also submitted that the investigation has been completed and the final report has been filed before the jurisdictional Court. Hence, he strongly opposed the grant of bail to the petitioner.

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



CrI.O.P.(MD)No.9659 of 2026

record.

WEB COPY

6. Though it is stated that the recovery was made from Accused No.1, the FIR does not clearly disclose as to who was found in possession of the contraband, who had procured the ganja, or from whose custody the contraband was recovered. Apart from that, this Court, while granting bail to Accused No.2 in CrI.O.P.(MD) No.10242 of 2026, observed as follows:

“Considering the rival submissions made by the learned counsel on either side and considering the nature of offences and though the prosecution has stated that the quantity involved in this case is a commercial quantity no contraband was recovered from this petitioner and the contraband was recovered from other accused and even according to the case of the prosecution the petitioner along with other accused have travelled in a two wheeler at that time they were intercepted and thereafter the contraband was seized from the first accused. Though the prosecution has stated that 17 previous cases are pending against the petitioner already some of the cases were disposed of and no cases under NDPS Act are pending against the petitioner and also the fact that the investigation has been completed and final report has been filed before the concerned Court and also taking into consideration the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the



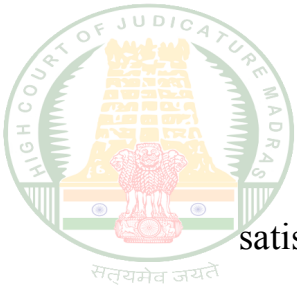
CrI.O.P.(MD)No.9659 of 2026

petitioner subject to the following conditions:”

WEB COPY

This Court, while considering the merits of the case in the above said bail application, recorded that Accused No.3, though present at the place of occurrence, did not have any direct nexus with the contraband. It was observed that, as per the prosecution, on reaching the place of occurrence, the police party found some of the accused attempting to ran away from that place. They were intercepted, secured, and enquired, following which the contraband was recovered. However, no material was produced to establish that the other accused had any direct nexus with the contraband or that they were in conscious possession thereof. In view of the said circumstances, the benefit of bail was extended to Accused No.3. The said benefit, in the opinion of this Court, is also liable to be extended to the present petitioner. As regards the previous criminal cases, it is submitted that they are all registered under the provisions of the IPC and not under the provisions of the NDPS Act. Therefore, 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.20,000/- (Rupees Twenty Thousand only) with two sureties each for a like sum to the



CrI.O.P.(MD)No.9659 of 2026

WEB COPY

satisfaction of the learned **Principal District Judge, Special Court under EC and NDPS Act Cases, Madurai**, and on further conditions that:

[b] the petitioner shall **report before the learned Principal District Judge, Special Court under EC and NDPS Act Cases, Madurai, at 10.30 a.m. and 05.00 p.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



Crl.O.P.(MD)No.9659 of 2026

Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 51730].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 BNS.

(K R S J)
02.07.2026

TM

To

- 1.The Principal District Judge, Special Court under EC and NDPS Act Cases, Madurai.
- 2.The Inspector of Police,
Jaihindpuram Police Station,
Madurai City. (Crime No.738 of 2025)
- 3.The Superintendent, Central Prison, Madurai.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



WEB COPY



Crl.O.P.(MD)No.9659 of 2026

K. RAJASEKAR, J.

TM

ORDER
IN
CRL OP(MD) No. 9659 of 2026

Date : 02.07.2026