



CRL OP(MD). No.12779 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06.03.2026

PRESENT

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

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S.Abul Kalam Asath

... Petitioner / Accused No.3

Versus

The State of Tamil Nadu,
Represented by the Inspector of Police,
Marine Police Station,
Devipattinam,
Ramanathapuram District.
(Crime No.4 of 2025)

... Respondent / Complainant

PRAYER :-Criminal Original Petition filed under Section 482 of the BNSS, 2023, to enlarge the petitioner on bail in the event of arrest in Crime No.4 of 2025 on the file of the respondent police or on his appearance.

For Petitioner : Mr.S.Kishore Kumar,
Advocate

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



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ORDER : The Court made the following order :-

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The petitioner/accused, apprehending arrest at the hands of the respondent police in Crime No.4 of 2025 for the offences punishable under Sections 8(c) read with 20(b)(ii)(C) and 25 of the Narcotic Drugs and Psychotropic Substances Act, 1985, has filed the present petition seeking anticipatory bail.

2. The case of the prosecution is that, on 22.06.2025, based on secret information regarding the illegal transportation of ganja, the respondent police intercepted a vehicle bearing Registration No.TN-49-AT-7318 on the East Coast Road near Thondi. After following the due procedure, the police conducted a search and found that Accused Nos.1 and 2 were in possession of a substantial quantity of contraband ganja and were transporting the same. The said accused were arrested, and the contraband was seized and brought to the police station. Based on the same, a case was registered for the offences under the Narcotic Drugs and Psychotropic Substances Act, 1985. During the course of investigation, the arrested accused gave confessional statements implicating the present petitioner, stating that he had arranged and



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assisted in the transportation of the contraband. Subsequently, upon completion of investigation, a final report has been filed against four accused persons, including the petitioner, for the offences under the relevant provisions of the NDPS Act, including Section 29 (criminal conspiracy), and the same has been taken on file in C.C. No.336 of 2025 on the file of the learned Additional District Judge (EC & NDPS Act Cases), Pudukkottai.

3. The learned counsel for the petitioner would submit that the petitioner has not been involved in the occurrence and that there are no materials available against him except the confession of the co-accused. It is further contended that the petitioner was not present at the scene of occurrence and has been falsely implicated. Hence, he prayed for grant of anticipatory bail to the petitioner.

4. *Per contra*, the learned Additional Public Prosecutor would submit that the involvement of the petitioner has been established through the confession of the co-accused, which is further corroborated by Call Detail Records collected during the course of investigation. It is



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submitted that the final report clearly indicates the role of the petitioner in the conspiracy and his involvement in arranging the transportation of contraband. It is further submitted that the case involves a commercial quantity of contraband, and therefore, the rigour of Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985 squarely applies. The prosecution would contend that there are sufficient materials to show the involvement of the petitioner, and hence, he is not entitled to the relief of anticipatory bail. Hence, he strongly objected to the grant of anticipatory bail to the petitioner.

5. This Court, upon considering the submissions made on either side and on perusal of the materials available on record, finds that, apart from the confession of the co-accused, the Investigating Agency has collected corroborative materials, including CDR reports, which *prima facie* indicate the involvement of the petitioner in the alleged offence.

6. Considering that the case involves a commercial quantity of contraband, the rigour of Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985 is attracted. This Court is of the view



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that the petitioner has not made out a case satisfying the twin conditions required for grant of bail under the said provision. Accordingly, this Court is not inclined to grant anticipatory bail to the petitioner, and this Criminal Original Petition stands dismissed.

06.03.2026

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To

- 1.The Inspector of Police,
Marine Police Station,
Devipattinam,
Ramanathapuram District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.K.RAMAKRISHNAN,J.

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ORDER
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