



CRL OP(MD). No.14097 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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(Criminal Jurisdiction)

Date : 06.04.2026

PRESENT

THE HONOURABLE MR. JUSTICE P. DHANABAL

CRL OP(MD). No.14097 of 2025

G.Sivaprakash

...Petitioner/Accused

Vs

State of Tamil Nadu rep. by
The Inspector of Police,
NIB CID
Thoothukudi District
(Crime No. 2 of 2024)

...Respondent

For Petitioners : Mr.Kathirvelu, Senior Counsel
for Mr.Na.Manimaran
For Respondent : Mr.B.Nambi Selvan
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Cr.No. 2 of 2024 on the file of the respondent police.



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ORDER : The Court made the following order :-

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The petitioner/A2, who was arrested and remanded to judicial custody on 12.12.2023 for the offences punishable under Sections 8(c) r/w.20(b)(ii) (c), 25, 29(1) of NDPS Act in Crime No. 2 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused were found in illegal possession of 529kgs of ganja. Hence, the case..

3. The learned Senior Counsel for the petitioner submits that the respondent police has registered a false case against the petitioner and he is not involved in any such activities as alleged by the respondent police. He would further submit that the mandatory provisions under Sections 42,50,52A and 57 of NDPS Act has not been followed.. He would further submit that the petitioner has been arrested and remanded to judicial custody on 12.12.2023 and prayed to grant bail to the petitioner. In support of his contention he also relied on the following decisions:

a) Dr.Rajinder Rajan .vs. Union of India and another in SLP (Crl.)

No. 3326 of 2026

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b)Vignesh .vs. The Inspector of Police, PEW Ambattur Taluk Chennai

in Crl.O.P No.34406 of 2025

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4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner along with other accused were found in illegal possession of commercial quantity of 529kgs of ganja and the offences are grave in nature. Hence, he 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 on either side and that the contraband involved in this case is commercial quantity and further the petitioner has not satisfied the twin condition as per Section 37 of the NDPS Act, hence this Court is not inclined to grant bail to the petitioner.

7. As far as the judgments relied on by the learned counsel appearing for the petitioner are concerned on careful perusal of the above said judgments it is clear that it is no longer *res integra* that supplying the



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grounds of arrest to the accused in writing before the arrest or under

exceptional circumstances, immediately thereafter, is the mandate of the constitutional guarantees provided under Article 22(1) read with Article 21 of the Constitution of India and deviate from the above principle would lead to the arrest of the accused being declared illegal entitling such accused to be released forthwith. However in the case on hand there are no records to substantiate the contention of the petitioner.

8. Hence the petition stands dismissed.

(P D B J)
06.04.2026

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To

- 1.The Inspector of Police,
NIB CID
Thoothukudi District
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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P. DHANABAL, J

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ORDER
IN
CRL OP(MD) No. 14097 of 2025

Date : 06.04.2026