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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON: 28-10-2026

PRONOUNCED ON:30.10.2026

CORAM

THE HON'BLE MR. JUSTICE K.MURALI SHANKAR

CRL OP(MD) No. 23366 of 2026

CNR:{HCMD011459012026}

Karthick @ Kozhu Karthick @ Hulk Karthick
S/o. Ramasamy,
Plot No. 3515, TNHB Colony,
Mela Anuppanady,
Madurai - 625 009.

..Petitioner/Accused No.5

Vs

State Of Tamilnadu Rep By
The Inspector Of Police,
NIB-CID,
Ramanathapuram Unit,
(Crime No. 06 of 2026)

..Respondent/Complainant

PRAYER: This Petition filed under section NDPS Act (Bail) it is prayed that this Hon'ble Court may be pleased to enlarge the Petitioner /Accused No.5 on bail in Crime No.6 of 2026 on .the file of the Respondent Police, and thfus render justice.

For Petitioner(s) :Mr.R.Baskaran
Senior Counsel
for Mr.V.Baskaran

For Respondent(s) :Mr.T.Lenin Kumar
Additional Public Prosecutor

ORDER

The petitioner/Accused No.5, who was arrested and remanded to judicial custody on02.09.2026 for the offences punishable under Sections

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8(c) r/w 20(b)(ii)(C), and 25 of NDPS Act, in Cr.No.06 of 2026, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that upon the receipt of a secret information on 09.05.2026, at about 11.00a.m., the respondent police team went to the scene of occurrence near the Anjukottai bus stop, within the jurisdiction of the Thiruvadanai Polcie Station and seized 375.480kgs of ganja in 168 packages from an abandoned white colour Innova Crysta car bearing Registration No.TN-65-AY-0111 and that subsequently, another 26 kgs of ganja came to be recovered from the farm house allegedly in the possession of the second accused – Kaleeshwaran.

3. It is the further case of the prosecution that analysing the CCTV footage obtained from the occurrence spot, the first accused – Arockiyasamy was apprehended on 14.05.2026 and interrogated and in the confession statement, he revealed the involvement of Kaleeshwaran and Ahamed Hussain of Thondi, that Ahamed Hussain was arrested on 28.07.2026, that subsequently, Ramesh-4th accused came to be arrested, as it was found that the Innova car was owned by him, who in turn gave a voluntary confession statement implicating the involvement of the

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present petitioner and on that basis, the petitioner and his brother – Pandiyaraj (6th accused) were arrested on 02.09.2026.

4. The case of the petitioner /5th accused is that he is innocent, that there is no spot arrest of the petitioner and there was no recovery of any contraband from the petitioner, that the petitioner has been implicated only on the basis of the confession alleged to have taken from the co-accused, that the alleged confession statement taken from the co-accused implicating the petitioner and the confession statement taken from the petitioner are inadmissible evidence and that the prosecution has not produced any material to connect the petitioner with the alleged contraband or with the other accused.

5. The learned Senior Counsel appearing for the petitioner would submit that the prosecution has not produced any Call Detail Records to connect the petitioner with the alleged contraband or with the other accused, that the petitioner did not involve in any financial transaction with any of the accused, that the entire prosecution case against the petitioner rest upon the alleged confession taken from the co-accused while in police custody and that in the absence of any Call Detail Records, the financial transaction or CCTV footage connecting the

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petitioner with the alleged contraband or with the other accused, he is entitled to be enlarged on bail.

6. The learned Additional Public Prosecutor would submit that the initial investigation reveals the involvement of several accused in procuring and transporting the contraband from Andhra Pradesh allegedly with an intention of smuggling the same to Sri Lanka, that the petitioner/5th accused had played an important role in arranging the contraband, that the petitioner along with his brother - 6th accused was involved in the fraudulent changing of Toyota Innova Crysta vehicle and the alteration of its engine and chassis numbers and that the investigation with regard to the involvement of the other accused, the movement of the contraband and the circumstances surrounding the alleged vehicle substitution, is pending.

7. No doubt, as rightly pointed out by the learned Senior Counsel for the petitioner, no contraband came to be recovered from the possession of the petitioner. But as already pointed out, the huge quantity of 375.480kgs of ganja came to be recovered from the abandoned Innova Crysta car. The learned Senior Counsel placed reliance upon the judgment of the Hon'ble Supreme Court in ***Tofan Singh Vs The State of***

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Tamil Nadu reported in ***(2021)4 SCC*** 1 and would contend that the confession statement recorded by the police cannot be treated as substantive evidence against the petitioner.

8. No doubt, there can be no dispute about the legal position that a confession statement recorded under Section 67 of NDPS Act is inadmissible, but the question whether the petitioner is entitled to bail or not has to be considered, taking note of the materials available at this stage and the statutory embargo as contemplated under Section 37 of the NDPS Act. As rightly contended by the learned Additional Public Prosecutor, the Hon'ble Supreme Court in ***NCB Vs. Mohit Aggarwal*** reported in ***2022 SCC Online SC 891***, the Hon'ble Apex Court has reiterated that the expression “reasonable grounds” in Section 37 of the NDPS Act would only mean grounds for believing that the accused is not guilty of the alleged offences.

9. In the case on hand, as already pointed out, the quantity of ganja recovered is 401.480kgs. Moreover, the prosecution has specifically alleged that the petitioner alone had taken part in arranging the contraband and facilitating its transportation. It is the specific case of the prosecution that the alleged substitution of vehicles and alteration of their

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identification particulars formed part of the arrangement made for transporting the contraband. According to the learned Additional Public Prosecutor, the nature and extent of the petitioner's involvement, the connection between the vehicle and the contraband and the existence of any independent evidence connecting the petitioner with the alleged transaction are matters required to be investigated.

10. It is pertinent to note that the petitioner was arrested only on 02.09.2026 and that the investigation is still in initial stage. The learned Additional Public Prosecutor would submit that the investigation is still in the process of collecting materials and tracing the involvement of the other accused. No doubt, in respect of the offences involving commercial quantity, Section 36-A) (4) of NDPS Act provides a statutory period of 180 days for completion of the investigation and that the said period has not yet completed. But at the same time, merely because the statutory period of investigation has not expired cannot by itself be a ground to reject the bail.

11. As rightly contended by the learned Additional Public Prosecutor, considering the magnitude of the alleged transportation of ganja, the specific role attributed to the petitioner, the allegations relating

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to the vehicles allegedly used for transportation and that the investigation is at a preliminary stage, this Court is of the considered view that the plea for bail at this stage is of pre-mature in nature.

12. Considering the above facts and circumstances, the nature and gravity of the accusation, the enormous quantity of the contraband involved and the present stage of investigation, this Court cannot record a finding that there are reasonable grounds for believing that the petitioner is not guilty of the offences alleged against him and as such, it cannot be stated at this stage that the petitioner has satisfied the twin conditions as contemplated under Section 37 of the NDPS Act. Consequently,this Court is not inclined to grant bail to the petitioner at this stage.

13. In the result, the Criminal Original Petition is dismissed.

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To

1.The Additional District Court/Special Court for EC and NDPS Act Cases, Pudukottai.

2.The Superintendent, District Jail, Pudukottai.

3. Inspector Of Police, NID-CID
Ramanathapuram Unit.

4. The Additional Public Prosecutor
Madurai Bench of Madras High Court
Madurai.

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K.MURALI SHANKAR, J.

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PRE-DELIERY ORDER MADE IN
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