



WEB COPY



CRL OP(MD) NO. 20461 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON: 27-02-2026

PRONOUNCED ON : 05-03-2026

CORAM

THE HONOURABLE MRS JUSTICE S.SRIMATHY

CRL OP(MD) NO. 20461 of 2025

Maruthupandiyan

Petitioner(s)

Vs

The State of Tamilnadu
Rep By Inspector of Police,
NIBCID Police Station
Madurai.
Crime No.9/2025

Respondent(s)

For Petitioner(s): Mr.K.Muraleedharan

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

Prayer:

C-32B. For Bail in Crime No.9 of 2025 on the file of the Respondent Police.

ORDER

The petitioner/Accused No.3, who was arrested and remanded to judicial custody on 22.09.2025 for the offences punishable under Sections 8(c) read with 20(b)(ii)(C), 25 and 29(1) of NDPS Act in Crime No.9 of 2025, on the file of the respondent police, seeks bail.



CRL OP(MD) NO. 20461 of 2025

2. The case of the prosecution is that on 22.09.2025 at about 16.00 hours the Sub Inspector of Police has received a secret information from the informant, based on which the respondent police along with the police party have rushed to the spot nearby Auxilium College near Chittampatti Toll Gate, Madurai new bridge and found a lorry bearing Registration No.KA-01AJ-1913. On seeing the police party the petitioner flee away from the occurrence place, the respondent police have surrounded the petitioner and searched the vehicle and they found the petitioner has possession of 80 parcels totally 176.120 kgs of ganja and the said contraband was seized and recovered from the petitioner. Hence the petitioner was arrested by the respondent police and remanded to judicial custody. Hence, this case. Based on the confession of the petitioner A2 and A3 was arrayed as accused and they are still absconding.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. However, he has been arrested and he is languishing in jail from 22.09.2025. Therefore, he prays for grant of bail.

4. The learned Additional Public Prosecutor appearing for the respondent



CRL OP(MD) NO. 20461 of 2025

police opposed for grant of bail on the ground that the investigation is still pending and the seized ganja is commercial quantity.

5. While considering the bail application under NDPS, the Court ought to consider whether the accused is satisfying the twin conditions stated in section 37 of the NDPS Act, since the provision states that no person is entitled to bail unless the accused is satisfying the twin test prescribed under the section. The said section is extracted hereunder:

"[37. Offences to be cognizable and non-bailable.—(1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974),—

(a) every offence punishable under this Act shall be cognizable;

(b) no person accused of an offence punishable for 3[offences under section 19 or section 24 or section 27A and also for offences involving commercial quantity] shall be released on bail or on his own bond unless—

the Public Prosecutor has been given an opportunity to oppose the application for such release, and

where the Public Prosecutor opposes the application, the court is satisfied that there are reasonable grounds for believing that he is not guilty of such offence and that he is not likely to commit any offence while on bail.

(2) The limitations on granting of bail specified in clause (b) of sub-section (1) are in addition to the limitations under the Code of Criminal Procedure,



1973 (2 of 1974) or any other law for the time being in force on granting of bail.]"

6. The section states to issue notice to the Public Prosecutor. This Court had issued notice to the Public Prosecutor and the learned Additional Public Prosecutor appearing for the respondent / prosecution vehemently opposed for granting bail. Hence the said condition is satisfied.

7. The section further states if the Public Prosecutor opposes the bail, then the Court ought to satisfy itself the twin test,

- i. that there are reasonable grounds for believing that he is not guilty of such offence and*
- ii. that he is not likely to commit any offence while on bail.*

8. The contention of the petitioner is that the petitioner is a lorry driver usually would take Chilli Load from Bangalore to Aruppukottai and Virudhunagar. On 22.09.2025 while the lorry was proceeding from Bangalore to Aruppukottai, while two persons approached the petitioner and requested to handover a parcel which is children T'Shirt to Aruppukottai, after reaching Aruppukottai they would send the location and directed to handover to that location and given their mobile number. Hence the had taken the parcel in the lorry. After seizure the petitioner had given



CRL OP(MD) NO. 20461 of 2025

statement before the respondent police regarding the said two persons who had handed over the parcel who are arrayed as accused A2 and A3. The petitioner claims that he was not aware that the parcel contains ganja but he was under the impression that the parcel contains children T-Shirt. The Learned Counsel appearing for the petitioner submitted that the petitioner takes the chilli load regularly and he has never indulged in loading any contraband at all. It is seen that the A2 and A3 are the persons who have indulged in transporting contraband through the petitioner and they are absconding. In such circumstances, there is likely would that the petitioner would not be held guilty of the offence. Hence the petitioner is satisfying the first test.

9. There is no previous case against the petitioner and hence there is likely would he would not indulge in the same offence, thereby the petitioner is satisfying the second test. Hence the petitioner is satisfying the twin test and hence there is no bar in granting the bail under section 37 to the petitioner.

10. For the reasons stated supra, this Court is of the considered opinion that the petitioner is entitled to bail and accordingly the same is granted with certain conditions.

11. Accordingly, the petitioner is ordered to be released on bail, on executing a



CRL OP(MD) NO. 20461 of 2025

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 Principal Special Court for Trial of NDPS Act Cases, Madurai and on further conditions that,

[a]the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

[b]the petitioner shall report before the Trial Court daily at 10.30 a.m., until further orders;

[c]the petitioner shall not tamper with evidence or witness;

[d]the petitioner shall not abscond during trial;

[e]On breach of any of the aforesaid conditions, the learned 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].

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



CRL OP(MD) NO. 20461 of 2025

WEB COPY

12. Accordingly, this Criminal Original Petition for bail is allowed.

05-03-2026

Tmg

To

1.Principal Special Court for Trial of NDPS Act Cases,
Madurai

2.Inspector Of Police,
NIBCID Police Station
Madurai.

3.Central Prison,
Madurai.

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