



CRL OP(MD) NO. 20544 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. 20544 of 2025

Vijayakumar @ Vijay

Petitioner(s)

Vs

The State Through
The Inspector of Police,
Thoothukudi NIBCID Police Station
Thoothukudi District.
(Crime No.11 of 2025)

Respondent(s)

For Petitioner(s): Mr.V.Muthu Kamatchi

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

Prayer:

C-32B. For Bail in Crime No.11 of 2025 on the file of the Respondent Police.

ORDER

The petitioner/Accused No.3, who was arrested and remanded to judicial custody on 26.09.2025 for the offences punishable under Sections 8(c) read with section 20(b) (ii)(C) of NDPS Act in Crime No.11 of 2025, on the file of the respondent police, seeks bail.



2. The case of the prosecution is that on 29.07.2025 at 15.00 hours based on the secret information received by the Sub Inspector of Police who along with police party and equipment went near S.K.P.Shanmuga Work shop at Thoothukudi-Vaippar Main Road, searched the lorry bearing Registration No.TN-72-CH 0204 Eicher Pro 2110 and found 240 kgs of ganja from the lorry driver and seized the contraband. Hence, this case.

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 26.09.2025. Therefore, he prays for grant of bail.

4. The learned Additional Public Prosecutor appearing for the respondent police opposed for grant of bail on the ground that the investigation is still pending and the seized contraband 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 since the seized contraband is commercial quantity. Hence the said condition is



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satisfied.

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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 learned Counsel appearing for the petitioner submitted that the before one month from the date of occurrence the petitioner transferred money as per his friend's request and he was not aware or acquainted with A1 at any point of time. And no contraband was recovered from the petitioner. Further the petitioner was taken illegal custody by the respondent on 22.09.2025 at 3.00 pm while he was residing at his house and next day the family of the petitioner enquired the respondent police and they assured that he would be released soon. On believing the words the family waited till 25.09.2025. Since there was no response, the father of the petitioner sent email on 25.09.2025 to the Superintendent of Police, Thoothukudi alleging the illegal arrest and custody by the respondent police. On receipt of the email the respondent immediately remanded the petitioner and intimated the arrest on 25.09.2025 at 18.35 hours. Hence the petitioner seeking bail.



9. It is seen that the date of occurrence of the crime is on 29.07.2025. The petitioner had transferred money on 27.07.2025 (Rs.1200 & 8500), 28.07.2025 (10,000) and 29.07.2025 (2000 & 4000). By transferring the amount, it cannot be stated that the petitioner is involved in the crime. Infact it is claim of the petitioner that the petitioner's friend requested money for his mother's treatment. Therefore, there is a likelihood that the petitioner may not be held guilty. Hence the petitioner satisfying the first test.

10. There is no previous case against the petitioner under NDPS, hence there is likely that the petitioner would not commit the same offence, thereby the petitioner is satisfying the second test. Therefore, the petitioner is satisfying the twin test and 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 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 (FAC), Madurai and on further conditions that,



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[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.

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

Tmg

05-03-2026



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To

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

2.The Inspector of Police,
Thoothukudi NIBCID Police Station
Thoothukudi District.

3.Central Prison,
Madurai.

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