

(2026) 07 MAD CK 0199
In the Madras High Court, Madurai Bench
Case No : CRL OP(MD).No.13893 of 2026

Bala

APPELLANT

Vs

The State of Tamil Nadu

RESPONDENT

Date of Decision : 24-07-2026

Acts Referred:

Bharatiya Nagarik Suraksha Sanhita, 2023 — Section 483
Narcotic Drugs and Psychotropic Substances Act, 1985 — Section 8(c), 20(b)(ii)(C),
25, 37
Bharatiya Nyaya Sanhita, 2023 — Section 269

Citation : (2026) 07 MAD CK 0199

Hon'ble Judges : K. Rajasekar, J.

Bench : Single Bench

Advocate : For Petitioner: Mr.K.Subburaj, Advocate; For Respondent: Mr.T.Lenin Kumar, Counsel for State of TN (Crl. Side)

Final Decision : Allowed

Judgement

The petitioner / Accused No.3, who was arrested and remanded to judicial custody on 02.11.2025, for the offences punishable under Sections 8(c), 20(b)(ii)(C) and 25 of Narcotic Drugs and Psychotropic Substances Act, 1985, in Crime No.736 of 2025 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that, on 02.11.2025 at about 11.00 a.m., while the respondent police were conducting routine vehicle surveillance, they intercepted a Renault Fluence car bearing Registration No.DL-08-CY-5499. On noticing the police party, the four occupants of the vehicle allegedly abandoned the car and fled from the scene. Thereafter, the respondent police searched the vehicle and found 85 kilograms of ganja concealed therein. Accordingly, the respondent police registered the present case against four unknown persons. During the course of investigation, one of the accused arrested in another case is alleged to have given a confession statement disclosing the names of the persons involved in the present offence. Based on the said confession statement, the petitioner was arrayed as an accused and was formally arrested in the present

case while he was already in judicial custody in another case. After completion of the investigation, the final report has been filed.

3. The learned counsel appearing for the petitioner would submit that the petitioner has been falsely implicated in the present case solely on the basis of the confession statement of a co-accused. He further submitted that the petitioner was already in judicial custody in another case when he was formally arrested in the present case and that there is absolutely no material connecting him with the contraband allegedly seized. He contended that none of the prosecution witnesses has identified the petitioner as one of the persons who fled from the vehicle. He further submitted that, though the petitioner has three previous criminal cases, he has already been enlarged on bail in those cases. He is in custody from 02.11.2025 and ready to abide any condition imposed by this Court. Hence, he prayed bail for the petitioner.

4. The learned Counsel appearing for the State reiterated the prosecution case and submitted that the petitioner was implicated on the basis of the confession statement of the co-accused. He further submitted that the investigation has been completed and the final report has already been filed before the jurisdictional Court. He also submitted that the petitioner has three previous criminal cases to his credit, one of which is under the NDPS Act. Therefore, he opposed the grant of bail.

5. This Court heard both sides and perused the materials available on record.

6. A careful reading of the statements of the prosecution witnesses reveals that they have only stated that four unidentified persons fled from the vehicle on seeing the police party. None of the witnesses has identified the petitioner as one of those persons. Apart from the confession statement of the co-accused, there appears to be no independent material connecting the petitioner with the contraband seized in the present case. It is well settled by the Hon'ble Supreme Court in **Tofan Singh v. State of Tamil Nadu** reported in **(2021) 4 SCC 1**, that a confessional statement made to an officer empowered under the NDPS Act cannot, by itself, be treated as substantive evidence against a co-accused. Though the petitioner has previous criminal antecedents, it is not in dispute that he has already been enlarged on bail in those cases. In the absence of any independent incriminating material connecting the petitioner with the alleged recovery and having regard to the completion of the investigation and filing of the final report, this Court is inclined to grant bail to the petitioner, subject to certain conditions.

[a] Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs. 20,000/- (Rupees Twenty Thousand only) with two sureties each for a like sum to the satisfaction of the learned Additional District and Sessions Judge, Special Court under EC and NDPS Act Cases, Pudukkottai, and on further conditions that:

[b] the petitioner shall report before the trial Court on all working days at 10.30

a.m. for a period of six weeks;

[c] the petitioner shall not commit any offence similar to the offence of which he/she is accused, or suspected, or of the commission of which he/she is suspected;

[d] the petitioner shall not abscond either during investigation or trial;

[e] the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade her from disclosing such facts to the Court or to any police officer or tamper with the evidence;

[f] On breach of any of the aforesaid conditions, the learned Judicial 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 51730]***.

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