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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12.10.2026

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.23196 of 2026

Udhaya Kumar

... Petitioner/
Accused No.3

Vs

State of Tamil Nadu represented by
The Inspector of Police,
Thalaiyuthu Police Station,
Tirunelveli District.
(Crime No.568 of 2026)

... Respondent/
Complainant

For Petitioner : Mr.S.Selva Kumar,
Advocate

For Respondent : Mr.T.Lenin Kumar,
Additional Public Prosecutor

PETITION FOR BAIL Under Section 483 of B.N.S.S.

PRAYER :-

For Bail in Crime No.568 of 2026 on the file of the Respondent Police.

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ORDER : The Court made the following order :-

The petitioner / third accused, who was arrested and remanded to judicial custody on 22.08.2026 for the offences punishable under Sections 8(c) r/w 20(b)(ii)(B) of NDPS Act and Sections 4(1)(A), 4(1)(C) of Tamil Nadu Prohibition Amendment Act, 2024, in Crime No.568 of 2026, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 21.08.2026, the accused 1 and 2 were found in illegal possession of 6 kgs of Ganja and on the basis of the confession taken from the said accused, the petitioner and the other accused were implicated. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution and that a false case has been foisted against him. He would further submit that similarly placed co-accused Muthuraj was granted

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bail by this Court in Crl.O.P.(MD)No.22376 of 2026 on 01.10.2026 and that the petitioner is in judicial custody from 22.08.2026.

4. The learned Additional Public Prosecutor appearing for the respondent police would submit that there are totally four accused and the petitioner is arrayed as third accused, that 6 kgs of Ganja was recovered from the joint possession of the accused 1 and 2 and only on the basis of the confession taken from them, the petitioner has been implicated and that the contraband seized is of intermediate quantity. He would further submit that the petitioner is having two previous cases similar in nature involving small quantity.

5. At this juncture, the learned counsel appearing for the petitioner would submit that the petitioner will file an undertaking affidavit that he will not indulge in any such offence in future before the concerned Sessions Judge at the time of furnishing the sureties.

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6. Considering the above facts and circumstances and taking note of the fact that there was no recovery from the petitioner and only on the basis of the confession taken from the co-accused, he was implicated and also the facts that the petitioner is in judicial custody from 22.08.2026 and that the contraband seized is of intermediate quantity, this Court is inclined to grant bail to the petitioner subject to the following conditions:

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with two sureties each for a like sum to the satisfaction of the Principal Special Court for EC and NDPS Act cases, Madurai and on further conditions that:

(i)the sureties shall affix their photographs and left thumb impression in the surety bond and the Sessions Judge / concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(ii)the petitioner shall report before the respondent police daily at 10.30 a.m., for a period

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of one month and thereafter as and when required for interrogation;

(iii)the petitioner shall file an undertaking affidavit that he will not indulge in any such offence in future, before the concerned Sessions Judge. On filing of such undertaking affidavit, the concerned Sessions Judge shall accept the sureties;

(iv)the petitioner shall not tamper with the evidence or witness either during investigation or trial;

(v)the petitioner shall not abscond either during investigation or trial;

(vi)On breach of any of the aforesaid conditions, the learned Sessions Judge / 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 is released on bail by the learned Sessions Judge / Trial Court himself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560];***

(vii)If the accused thereafter abscond, a fresh FIR can be registered under Section 269 BNS, 2023.

(K M S J)
12.10.2026

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K.MURALI SHANKAR,J

CSM

TO
1. The Sessions Jude,
   Principal Special Court for EC and NDPS Act
   cases,
   Madurai.

2. Do through
   The Chief Judicial Magistrate,
   Madurai.

3. The Superintendent,
   Central Prison,
   Palayamkottai.

4. The Inspector of Police,
   Thalaiyuthu Police Station,
   Tirunelveli District.

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

ORDER
IN
CRL OP(MD) No.23196 of 2026

Date : 12.10.2026