



**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPEAL NO. _____ OF 2026
@ SLP (CRL.) NO.11600/2026**

**VISHWANATHAN @ MAKUNDA VISHWANATHA
REDDY**

APPELLANT

VERSUS

STATE OF TAMIL NADU

RESPONDENT

O R D E R

- 1.** Heard. Leave Granted.
- 2.** On 20.10.2024, acting on secret information that a person was selling narcotic substances near Arumbakkam Naduvankarai Bridge, Chennai, the police intercepted Arunkumar (A1) and allegedly recovered 11.59 grams of methamphetamine from him. According to the prosecution, his statement disclosed that he purchased the substance from Anthony Ruban (A4) for onward sale to other accused.

A further quantity was allegedly recovered from his residence. Subsequent arrests and statements of other accused led the police to the Appellant, Vishwanathan @ Makunda Vishwanatha Reddy, from whom one kilogram of methamphetamine was allegedly seized. The prosecution alleged that a principal supplier, A15, procured the contraband from Delhi and supplied it to the Appellant and others. Twenty persons were implicated in Crime No. 441 of 2024 registered at K8 Arumbakkam Police Station.

3. The Appellant was arrested and remanded to judicial custody on 23.10.2024. Following completion of the investigation, the final report was filed in C.C. No.643 of 2025 before the II Additional Special Court for Exclusive Trial of Cases under the Narcotic Drugs and Psychotropic Substances Act, 1985 (“NDPS”) at Chennai. The offences invoked included Sections 8(c), 22(b), 29(1), 25 and 20(b) (ii)(A) of the NDPS Act. The Appellant denied involvement, contending that he had been implicated through statements of co-accused and that the alleged recovery was affected by procedural irregularities, including a delay

of 34 days in producing the seized substance before the court. He also relied on the grant of bail to several co-accused.

4. During his incarceration, the Appellant stated that he suffered a cardiac event on 04.04.2025 and was admitted to Stanley Government Hospital, Chennai, where Coronary Artery Bypass Grafting (CABG) was advised. His wife, Suneetha, subsequently approached the High Court seeking permission for treatment at a private hospital. By order dated 11.08.2025, the High Court directed the authorities to consider her representation dated 17.07.2025 and pass appropriate orders within one week. Meanwhile, the Appellant's earlier bail application was dismissed on 21.03.2025, and another application was dismissed as withdrawn on 05.11.2025.

5. By the impugned order dated 26.02.2026, the Madras High Court dismissed the Appellant's third bail application, Crl. O.P. No. 33219 of 2025. It found that the arrest memo contained the grounds of arrest, that the inventory

proceedings had been conducted before a Magistrate, and that the alleged delay in sending samples for forensic examination did not, by itself, justify bail. Considering the alleged recovery of commercial quantity and the Appellant's failure to satisfy the conditions under Section 37 of the NDPS Act, the High Court declined relief. The Appellant challenged that order in the present Appeal.

6. The Appellant submitted that he had been falsely implicated solely on the basis of statements of co-accused, that his name did not appear in the FIR, and that there was no legally admissible evidence connecting him with the alleged offence. He contended that the grounds of arrest had not been furnished to him and questioned compliance with the mandatory safeguards under the NDPS Act, particularly the unexplained delay of 34 days in producing the allegedly seized contraband before the court and the delay in sending it for forensic examination. He further submitted that the investigation was complete, the charge-sheet had been filed, he had remained in custody since 23.10.2024, and several co-accused had already been

granted bail, entitling him to consideration on the ground of parity. Additionally, he relied on his serious cardiac condition, stating that he had suffered a cardiac event while in custody and had been advised CABG, requiring specialised treatment and postoperative care. On these grounds, he sought release on bail and undertook to comply with any conditions imposed by the Court.

7. On the other hand, the Counsel appearing for the Respondent/Union of India vehemently opposed the bail of the Appellant.

8. Having heard learned counsel for the parties and perused the material on record, we find that the appellant has been in custody since 23.10.2024 for almost a period of 2 years. Though the Chargesheet has been filed, the trial is yet to commence.

9. The appellant having been arrested on the basis of statements made by the co-accused, the admissibility and evidentiary value of those statements are matters to be examined by the trial court upon appreciation of the

evidence adduced by the parties.

10. Having regard to the fact that the charge-sheet cites 46 prosecution witnesses and the trial is yet to commence, and considering that the veracity of the disclosure statement on the basis of which the appellant was arrested, as well as his alleged involvement in the offence, requires examination during trial, we are of the opinion that his continued incarceration, after having undergone almost two years in custody, is not warranted. Accordingly, the appellant deserves to be enlarged on bail.

11. We make it clear that, we have refrained from expressing any opinion on the merits of these contentions. All questions concerning the appellant's alleged involvement, the reliability of the prosecution evidence and compliance with the statutory safeguards are left open for determination by the trial court in accordance with law.

12. Having regard to the medical report received and the past medical history of the appellant also persuade us to enlarge the appellant on bail. For the aforesaid reasons, the

appeal is allowed, and the appellant is directed to be enlarged on bail on such terms and conditions as the jurisdictional court may deem fit to impose.

13. Pending application(s), if any, stands consigned to records.

.....J.
(ARAVIND KUMAR)

.....J.
(VIPUL M. PANCHOLI)

**NEW DELHI;
OCTOBER 09, 2026.**

ITEM NO.2

COURT NO.11

SECTION II-C

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

**Petition(s) for Special Leave to Appeal (Crl.)
No(s).11600/2026**

**[Arising out of impugned final judgment and order
dated 26-02-2026 in CRLOP No.33219/2025 passed by
the High Court of Judicature at Madras]**

**VISHWANATHAN @ MAKUNDA VISHWANATHA
REDDY**

Petitioner(s)

VERSUS

STATE OF TAMIL NADU

Respondent(s)

**IA No. 272400/2026 - EXEMPTION FROM FILING O.T.
IA No. 272398/2026 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES**

**Date : 09-10-2026 This matter was called on for
hearing today.**

**CORAM : HON'BLE MR. JUSTICE ARAVIND KUMAR
HON'BLE MR. JUSTICE VIPUL M. PANCHOLI**

**For Petitioner(s) : Mr. Manoj K. Mishra, AOR
Mr. Umesh Dubey, Adv.
Ms. Madhulika, Adv.
Mr. Amulya Dev Mishra, Adv.
Ms. Shriji Mishra, Adv.
Mr. Amrendra Kumar Singh, Adv.
Mr. Shashank Tiwari, Adv.
Mr. Sarthak Tiwari, Adv.**

**For Respondent(s) : B. Karunakaran, AOR
Kamesh Gaud, Adv.
A. Akhil Krishnan, Adv.**

**Ms. Rupali Francesca Samuel- 4335, AOR
Ms. K. V. Vinaya, Adv.**

**UPON hearing the counsel the Court made the
following**

O R D E R

Leave granted.

Criminal Appeal is allowed in terms of the signed
order placed on the file.

Pending application(s), if any, shall stand disposed of.

**(NEHA GUPTA)
COURT MASTER (SH)**

**(AVGV RAMU)
COURT MASTER (NSH)**