



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-07-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 11951 of 2026

Yogeshwari

..Petitioner(s)

Vs

The State Rep. by
The Inspector of Police,
Palladam Police Station,
Tiruppur District.
(Cr.No.1271/2025)

..Respondent(s)

Prayer:- Criminal Original Petition is filed under Section 483 of BNSS, 2023, pleaded to enlarge the petitioner on bail concerned in Crime No.1271 of 2025 pending on the file of the respondent police.

For Petitioner(s):

Mr.R.Parthiban

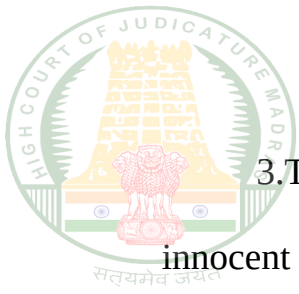
For Respondent(s):

Mr.S.Yogaraja Sekar, Government Advocate
(Criminal Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 22.12.2025 for the alleged offences under Sections 8 (c) r/w 20 (b) (ii) (C) and 29 (1) of NDPS Act, in Crime No.1271 of 2025 on the file of the respondent police, seeks bail.

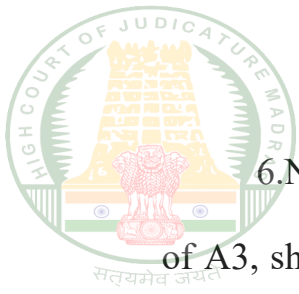
2. The case of the prosecution is that the petitioner along with other accused was found in illegal possession of 46.56 kg of Ganja. Hence the case.



3. The learned counsel for the petitioner submitted that the petitioner is innocent and has been in custody since 22.12.2025. He further submitted that though there was a recovery of 46 kg of Ganja, according to the prosecution, no recovery was made from A9 / Yogeshwari, who is none other than the wife of A3. He further submitted that even according to confession statement, the only overt act alleged against the petitioner is that she was present along with A3. He further contended that except for the confession, there are no other materials available against the petitioner / A9. Hence, he prays to grant bail to the petitioner.

4. At this juncture, the learned Government Advocate (Criminal Side) appearing for the respondent police reiterated the prosecution case and submitted that as per the confession statement of A10, a sum of Rs.25,000/- was sent to A8 / Salman. However, as against the petitioner, there is no reference to any overt act. He fairly submitted that the only overt act against the petitioner is that she was present along with her husband, from whom a recovery of 8.14kg of Ganja was recovered. He further submitted that no previous case has been registered against the petitioner. However, he opposed for grant of bail to the petitioner.

5. I have given my anxious consideration to the submissions made by the learned counsel on either side and perused the materials available on record.



6.No doubt, the petitioner was present with A3. However, being the wife of A3, she would naturally be along with A3. From the counter statement, this Court cannot find any material to prove active involvement or conscious possession of the contraband by the petitioner. Furthermore, as per the submissions made by the learned Government Advocate, the petitioner has no criminal antecedents.

7.Hence, taking into consideration the fact that the petitioner is a woman and had no criminal antecedents and that apart from her being the wife of A3, this Court cannot find any material to bring her within the meaning of conscious possession of the contraband. In view of this position, though this case involves a commercial quantity, the petitioner has overcome the rigour under Section 37 of the NDPS Act and that she has been incarceration since 22.12.2025, this Court is of the firm view that her further custody is not required for the purpose of investigation. Hence, this Court is inclined to grant bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is ordered to be released on bail on her 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 learned **Additional District Judge/Presiding Officer, Special Court for Essential Commodities Act Cases, Coimbatore,** and subject to the following conditions:



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[a] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure their identity;

[b] the petitioner shall report before the respondent Police daily at 10.30 a.m. until further orders;

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

[d] the petitioner shall not tamper with the evidence or witness either during investigation or trial;

[e] on breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions had been imposed and the petitioner released on bail by the learned Magistrate/Trial Court itself, as laid down by the Hon'ble Supreme Court in *P.K.Shaji vs. State of Kerala [(2005)13 SCC 283]*;

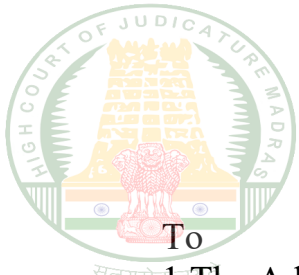
[f] if the petitioner thereafter abscond, a fresh FIR may be registered under Section 269 of the Bharatiya Nyaya Sanhita, 2023.

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Note:

1. Registry is directed to forthwith upload this order in the Official Website of this Court.
2. All concerned to act on this order being uploaded in Official Website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in the official website of this Court will be watermarked and will also have a QR code.



To

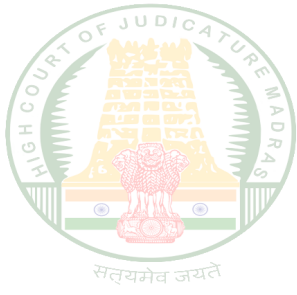
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1. The Additional District Judge / Presiding Officer,
Special Court for Essential Commodities Act Cases, Coimbatore.

2. The Superintendent of Prison,
Special Prison for Women, Coimbatore.

3. The Inspector of Police,
Palladam Police Station,
Tiruppur District.

4. The Public Prosecutor
High Court of Madras.



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C.KUMARAPPAN, J.

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