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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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(Criminal Jurisdiction)

Dated: 17/08/2022

PRESENT

The Hon'ble Mr.Justice **G.ILANGOVAN**

Cr1.OP(MD)No.10251 of 2022

Thulasi : Petitioner/A1

Vs.

The State rep. By
The Inspector of Police,
Thalamuthunagar Police Station,
Thoothukudi District.
(Crime No.129 of 2022) : Respondent/Complainant

For Petitioner : Mr.R.Anand
for Mr.S.Ashok

For Respondent : Mr.T.Senthil Kumar
Additional Public Prosecutor

PETITION FOR BAIL under Sec.439 of Cr.P.C



PRAYER :- C-32B.For Bail in Crime No.129 of 2022 on the file of the Respondent Police.

ORDER:- The Court made the following order:-

The petitioner, who is arrayed as A1 was arrested, on 31/03/2022 and remanded to judicial custody for the alleged offences punishable under sections 8(c) r/w 20 (b) (ii) (C) of NDPS Act, in Crime No.129 of 2022 seeks bail.

2.The case of the prosecution is that on a secrete information, the de-facto complainant along with team of police officials were on vehicle check up, on 31/03/2002 att about 9.00 am and they stopped a two wheeler bearing registration No.TN-75-M-9781. At that time, on suspicion, they intercepted and searched another four wheeler vehicle bearing registration No.TN-05-AS-0006. On search, four persons were found in possession of contraband ranging from 5 to 7 kgs. Further process of sampling and arrest were undertaken as per the procedure and rules. Based upon the complaint, the present FIR has been filed. This petitioner was arrested on 31/03/2022



and remanded to judicial custody and ever-since, she is in custody.

3. Seeking bail, this petition came to be filed by the petitioner on the ground that the question of consolidation of the contraband is not permissible. Even as per the case of the prosecution, all the four persons were found in possession of separate possession of ganja. According to her, that will not come under the commercial quantity and there is no question of joint possession also.

4. Heard both sides.

5. Reading of the FIR shows that all the four persons were found in possession of various kilograms of ganja. During the course of investigation, it was found that all the persons used to purchase ganja from Kerala State and transporting the same to Tamil Nadu for selling. It is seen that all the persons were engaged in separate purchasing and selling of ganja. It is further submitted that the petitioner, being the accused in various cases under the Prohibition Act offence and in



one case, she was issued with NBW and she was taken to the police station, wherein this case has been foisted. But it is a matter for investigation.

6.As found in the FIR, the petitioner was found in possession of ganja. Reading of the counter shows that the petitioner is a habitual offender committing various offences. Even though, the learned counsel appearing for the petitioner would submit that those offences are not similar in nature. No doubt they are not similar in nature. But the fact remains that even after a lapse of four months, the investigation has not been completed.

7.So considering the fact that the petitioner is not involved in similar offence of such nature and also considering the period of custody of the petitioner, 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. 10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned



Principal Special Court for Trial of Narcotic Drugs and Psychotropic Substances Act Cases, Madurai and on further condition that the petitioner shall report before the respondent police daily at 10.30 am until further orders.

17/08/2022

Index:Yes/No
Internet:Yes/No
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To,

- 1.The Inspector of Police,
Thalamuthunagar Police Station,
Thoothukudi District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
- 3.The Central Prison,
Palayankottai,
Tirunelveli.



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