



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 03/03/2023

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD)No.561 of 2023

WEB COPY

Balanagammal

... Petitioner/Accused (Sole)

Vs

State represented by
The Inspector of Police,
NIB CID Theni Police Station,
Theni District.
[Crime No.24 of 2021]

... Respondent/Complainant

For Petitioner : Mr.J.Senthil Kumar, Advocate
For Respondent : Mr.T.Senthil Kumar,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.24 of 2021 on the file of the Respondent police.

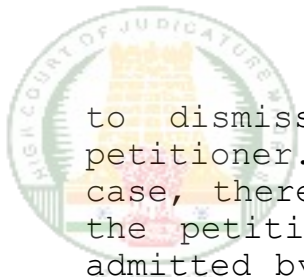
ORDER : The Court made the following order :-

The petitioner / sole accused in Crime No.24 of 2021, on the file the respondent Police, who was arrested on 21.04.2021 for the offence punishable under Sections 8(c) r/w 20(b) (ii)(C) of NDPS Act seeks bail.

2.The case of the prosecution is that based on a tip off the police officials on 24.04.2021 around 08.00 hours intercepted the petitioner / sole accused in front a shop on EB office road, Cumbum and he was found to be in possession of 22.5 Kgs of ganja, which was seized by the respondent Police. Hence the complaint.

3.The learned counsel for the petitioner submits that the respondent Police claim that they have recovered 22.5KGs ganja from the petitioner and two samples of each 25 Gms of ganja were taken and sent to the laboratory. However, according to the laboratory, they received only 15.00Gms ganja. Therefore, the very alleged recovery of the 22.5KGs ganja itself is doubtful. Moreover the petitioner is not having any previous case and she is a woman and longing in jail from 21.04.2021.

4.The learned Additional Public Prosecutor appearing for the respondent submits that the contraband seized from the petitioner is of commercial quantity. The petitioner has earlier filed a bail



to dismiss the said bail petition, it was withdrawn by the petitioner. Though the petitioner claims that there is no previous case, there is no detail of her involvement in any other NDPS case, the petitioner is involved in a theft case at Kerala, which is admitted by her in the confession statement. The learned Additional Public Prosecutor further submits that final report has been filed in the present case and it was taken on file in CC.No.555 of 2021 before the I Additional District Court for NDPS Act, Madurai and they will produce LW1 in the next date of hearing. Therefore, he opposed this bail petition.

5. Heard the learned Counsel on either side and perused the materials placed on record.

6. The prosecution case is that they have recovered 22.5KGs of ganga, which is obviously a commercial quantity. There is a specific bar under Section 37 of NDPS Act. Therefore, this criminal original petition is dismissed. However, the prosecution agency is directed to produce the witnesses on the next date of hearing and the trial Court shall endeavour to dispose of the case as expeditiously as possible, preferably within a period of six months from the date of receipt of a copy of this order. The petitioner is at liberty to raise all his grounds before the trial Court.

sd/-

03/03/2023

/ TRUE COPY /

/03/2023

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

dsk

TO

- 1 THE ADDITIONAL DISTRICT JUDGE/PRESIDING OFFICER,
ADDITIONAL SPECIAL COURT FOR NDPS ACT CASES,
MADURAI (FAC).
- 2 THE INSPECTOR OF POLICE
NIB-CID-THENI POLICE STATION, THENI DISTRICT.
- 3 THE SUPERINTENDENT,
WOMEN PRISON, CENTRAL PRISON, MADURAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE REGISTRAR (JUDICIAL),
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN

CRL OP(MD) No.561 of 2023

Date :03/03/2023

RS/MMS/SAR-2(30.03.2023) 2P 6C

<https://www.mhc.tn.gov.in/judis>