



CRL OP(MD). No.4748 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/04/2024

PRESENT

THE HON`BLE MR.JUSTICE B.PUGALENDHI

CRL OP(MD). No.4748 of 2024

S.Vidhya

... Petitioner/ Accused No.3

Vs

The Inspector of Police,
PEW Pudukkottai P.S,
Pudukkottai District.
Crime No. 1058 of 2023.

... Respondent/Complainant

For Petitioner : M/s.Kannan.C,
Advocate.

For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No. 1058 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/accused No.3, who was arrested and remanded to



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judicial custody on 19.12.2023 for the offence under Sections 8(c) r/w 20(b) (ii) (C) and 25 of NDPS Act, 1985 in Crime No.1058 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on secret information on 17.12.2013, at about 5.30 p.m, the respondent police have intercepted an Auto Rickshaw bearing Registration No.TN 55 BH 7284, near Singamuthu Ayyanar Temple, Pudukkottai and recovered 60 kgs of ganja from the accused Nos.1 and 2. On the confession statement of the first accused, they have recovered 20 kgs of ganja from A2/ Sevugamoorthy and arrested the petitioner and recovered the above two wheeler and two Oppo cellphones. According to the respondent police, the above two wheeler is used by the accused persons for transportation of contraband.

3.The learned counsel appearing for the petitioner submits that since the petitioner is the wife of A1, the respondent police have arrested the petitioner also and the contraband has been recovered only from A1 and A2 at different places and no contraband has been recovered from this petitioner. The petitioner is languishing in jail from 18.12.2023. He further submits that the entire family members of this petitioner have been arrayed as accused and this Court has granted anticipatory bail



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to the Accused No.9 in Crl.OP(MD) No.474 of 2024. According to him, the petitioner was arrested based on the confession statement of the accused Nos.1 and 2. Therefore, he seeks grant of bail to the petitioner.

4.Mr.T.Senthil Kumar, learned Additional Public Prosecutor appearing for the respondent has raised serious objections that the accused are transporting the ganja at larger quantity to various places and also to Srilanka. The contraband, which has been seized in this case itself is 100 kgs of ganja. According to him, the accused Nos.4 & 5 are the co-ordinators and they are getting the contraband from an unknown supplier. The accused Nos.1 to 3 are the transporters and the vehicle drivers. According to him, the following vehicles are used for transportation of contraband to various places.

TN 63 BK 9049 TATA ACE

TN 55 BH 7284 TVS Auto

TN 55 BH 9993 Bajaj CT 100

TN 55 BE 6795 Honda Dio

The other accused are the family members of accused No.1 and they are assisting for loading, shifting the contrabands. He strongly opposes for grant of bail to the petitioner that the accused Nos.4 & 5 are yet to be secured and the main supplier of



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ganja has to be identified. The learned Additional Public Prosecutor has also furnished a list of antecedents as against this petitioner and other accused. According to the Additional Public Prosecutor, this petitioner is also an accused in Crime No.745 of 2021 for the similar offence on the file of the Thirukkokarnam Police Station.

5.This Court considered the rival submissions made and also perused the materials placed on record.

6.The quantity of contraband recovered in this case is 100 kgs of ganja. Though there is no recovery from this petitioner, the petitioner is the wife of the first accused, Shanmugam, from whom, the major portion of the contraband was recovered. The petitioner and her husband are the accused in yet another case of similar in nature, in Crime No.745 of 2021 of Thirukkokarnam Police Station. The prosecution projected this case as the petitioners are doing it as a family business. Apart from this petitioner, her sister, mother and brothers are also accused in this case. They are having several NDPS cases to their credit. The main supplier of this contraband and the accused Nos.4 & 5 are yet to be secured.



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7. In view of the above, this Court is not inclined to grant bail to this petitioner at this stage. Accordingly, this Criminal Original Petition is dismissed. The respondent police is directed to identify the main supplier and arrest him. The petitioner is at liberty to renew this application after completion of major portion of investigation.

sd/-
12/04/2024

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Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

VRN
TO

- 1 THE SUPERINTENDENT,
CENTRAL FEMALE PRISON, TRICHY.
- 2 THE INSPECTOR OF POLICE
PEW PUDUKKOTTAI P.S PUDUKKOTTAI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN

CRL OP(MD) No.4748 of 2024
Date :12/04/2024

SS/GS/SAR- /17/04/2024/5P/4C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023