



CRL OP(MD)No.16443 of 2024

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

Date : 17.10.2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD)No.16443 of 2024

Ganeshwari

... Petitioner/ Accused No.5

Vs

**The Inspector of Police,
Checkanurani Police Station,
Madurai District,
Crime No.398/2023.**

... Respondent/Complainant

**For Petitioner : Mr.M.Karunanithi, Advocate.
For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor**

PETITION FOR BAIL UNDER SECTION 483 OF BNSS

PRAYER :-

For Bail in Crime No.398/2023 on the file of the respondent police

ORDER : The Court made the following order :-

**The petitioner/ Accused, who is arrested and remanded to judicial custody on
10.11.2023 for the offence punishable under Sections 8(c), 20(b)(ii)(c), 25 and 29(1) of**

NDPS Act, in Crime No.398 of 2023 on the file of the respondent police, seek bail.

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



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2.The case of the prosecution is that the petitioner and other accused persons were found to be in illegal possession of 45 kgs of ganja. Hence, the complaint.

3.Heard the learned counsel on either side and perused the material records of the case.

4.The learned Additional Public Prosecutor would oppose for grant of bail stating that the contraband recovered in this case is 44 kgs of ganja amounting to commercial quantity and this petitioner being A-5 is the wife of A-4, who used to sell the ganja by way of retail sales. Even the present consignment was supposed to be handed over to the petitioner herein only for retail sale, but however, in between it was intercepted and the same was recovered from A1 to A4. Therefore, this petitioner having an active role in the present offence and also having five previous cases in which one similar case under NDPS Act, should not be released on bail.

5.The learned Counsel for the petitioner would rely upon the final report which is filed before the trial Court and he would submit that there are 13 witnesses in this case. A perusal of the memo of evidence would show that it is the official witnesses and eyewitnesses to the seizure, mahazar witnesses and formal and other expert witnesses and the Investigating Officer. Similarly, he would submit that the perusal of the list of documents enclosed along with the final report would reveal that there are totally 11 documents which includes the expert analysis report and the statements



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under Section 161 of Cr.P.C., given by the witness and the seizure mahazar etc. The learned Counsel for the petitioner further submitted that except the confession made by A1 to A4 that the contraband is going to be handed over to the A5, as on date, there is no other material as against this petitioner. Upon the said argument of the learned Counsel for the petitioner, this Court also adjourned the matter for production of the entire final report along with the documents and also opportunity was granted to the prosecution to point out any other material.

6.Considering the argument of the learned Counsel for the petitioner that the prosecution is unable to point out any further material, I am of the view that this is a fit case where the petitioner can be considered to overcome the rigors of Section 37 of NDPS Act and considering the said argument of the learned Counsel for the petitioner and the materials which are placed before the Court and also considering the fact that the petitioner is in judicial custody from 10.11.2023, I am inclined to enlarge the petitioner on bail with certain conditions.

7.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on 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 NDPS Act Cases, Madurai.

(i)the sureties shall affix their photographs and left thumb impression in the



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surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(ii)the petitioner shall report before the trial Court on all hearing dates without fail.

(iii)the petitioner shall not tamper with evidence or witness;

(iv)the petitioner shall not abscond during trial.

(v)On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

(vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
17/10/2024

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17/ 10 /2024

Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

JBR



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TO
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1 THE JUDGE,
PRINCIPAL SPECIAL COURT FOR TRIAL OF NDPS ACT CASES,
MADURAI

2 THE SUPERINTENDENT
CENTRAL WOMEN PRISON, MADURAI.

3 THE INSPECTOR OF POLICE
CHECKANURANI POLICE STATION,
MADURAI DISTRICT.

4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.M.KARUNANITHI, Advocate (SR-12563[I] dated 17/10/2024)

ORDER
IN
CRL OP(MD) No.16443 of 2024
Date :17/10/2024

PSP/ /SAR /17.10.2024/ 5P/ 6C

Madurai Bench of Madras High Court is issuing certified
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