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CRL O.P. No.933 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.01.2025

CORAM

The Hon'ble Mr. Justice P.DHANABAL

CRL OP.No.933 of 2025

Shaik Jarina @ Manju ... Petitioner / Accused-1
Vs

State rep. by:-

The Inspector of Police,
Prohibition Enforcement Wing-PEW,
Pallikaranai Unit,
Chennai District. ... Respondent / Complainant.
[Cr. No.212 of 2023]

PRAYER:- The Criminal Original Petition is filed under Section 483 of B.N.S.S., praying to grant bail to the petitioner/Accused in Cr. No.166 of 2024 on the file of the respondent police in C.C. No.777 of 2024 on the file of the II Additional Special Court for Exclusive trial of Cases under NDPS Act, Chennai.

For Petitioner : Mr. P. Santhosh

For Respondent : Mr. S. Balaji
Government Advocate
[Criminal side]

ORDER



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The petitioner / Accused-1, who was arrested and remanded to judicial custody on 17.05.2024 for the offences punishable under Sections 8(c) r/w 20(b)(ii)(C), 29(1) of the Narcotic Drugs and Psychotropic Substances Act, 1985 in Cr. No.166 of 2024 on the file of the respondent police in C.C. No.777 of 2024 on the file of the II Additional Special Court for Exclusive trial of Cases under NDPS Act, Chennai, seeks bail.

2. The case of the prosecution is that on 17.05.2024 at about 7 hours, based on the secret information with regard to the illegal transport of Narcotic substance, the respondent police party went to the scene of occurrence near Tambaram Railway Marriage Hall and found the accused persons 1 and 2 in a suspicious manner and conducted enquiry. At that time, the accused were found with illegal possession of 22.300 kgs of Ganja. Hence the case.

3. The learned counsel for the petitioner would contend that the respondent police have registered a false case against the petitioner for



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the offences punishable under Sections 8(c) r/w 20(b)(ii)(C), 29(1) of the Narcotic Drugs and Psychotropic Substances Act, 1985 and she was arrested and remanded to judicial custody on 17.05.2024. As per the prosecution, the petitioner along with other accused had possessed 20.200 kgs of Ganja. In fact, the petitioner is an innocent and she has not committed any offence as alleged by the prosecution. She has been falsely implicated in this case and she is in custody for the past 231 days. The earlier bail applications filed by the petitioner were dismissed and this is the fifth bail application. Therefore prayed to grant bail to the petitioner.

4. The learned Government Advocate (Criminal Side) would submit that the accused A1 and A2 were found with illegal possession of commercial quantity of contraband weighing about 22.300 kgs and hence the case was registered against the accused. This petitioner is arrayed as A1 in this case. A2 is the husband of A1. The petitioner is having two other previous cases of similar nature. The earlier bail applications filed by this petitioner were dismissed. Investigation was completed in



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this case and charge sheet was also filed. Case is now pending before the II Additional Special Court for EC & NDPS Act, Chennai in C.C. No.777 of 2024. 6 witnesses are cited and the case is now posted issuance of summons to the accused. At this stage, if the petitioner is let out on bail, she would abscond and there is every possibility of tampering of evidence and threatening of witnesses. Hence, he strongly opposed to grant bail to the petitioner.

5. Heard both sides and perused the materials available on record.

6. Considering the rival submissions made by the learned counsels appearing on either side, the gravity of offences, the quantity of contraband involved in this case is a commercial quantity, investigation was completed and now the case is posted for trial, already this Court dismissed the earlier bail applications filed by the petitioner and there is no change in circumstances, this Court is declined to grant bail to the petitioner at this stage.



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7. Accordingly, the Criminal Original Petition is dismissed.

27.01.2025

index: Yes/No

Internet: Yes/No

Speaking/Non Speaking order

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To

- 1.The II Additional Special Court for Exclusive trial of Cases under NDPS Act, Chennai.
- 2.The Public Prosecutor, Madras High Court, Chennai.
3. The Inspector of Police, Prohibition Enforcement Wing-PEW, Pallikaranai Unit, Chennai District.
4. The Superintendent of Police, Central Prison, Puzhal, Chennai.

P.DHANABAL,J
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