



WEB COPY



Cr1.O.P.No.8394 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Cr1.O.P.No.8394 of 2025

1.R.Jothi
2.M.Manjulam

...Petitioners/A3& A4

Vs.

The State Rep. by The Inspector of Police,
Thirupathur Police Station
Thirupathur District
(Crime No.30 of 2025)

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, to enlarge the petitioners on bail in Crime No.30 of 2025 on the file of the respondent.

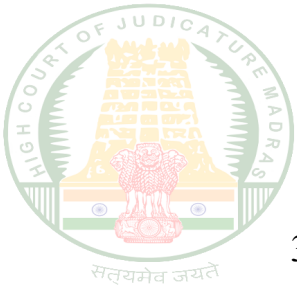
For Petitioners : Mr.A.Saravanan

For Respondent : Ms.J.R.Archana
Government Advocate (Criminal Side)

ORDER

This Criminal Original Petition has been filed by the petitioners/A3 & A4, who were arrested and remanded to judicial custody on 21.01.2025, seeking bail in Crime No.30 of 2025 registered for the offence under Section 8(c) r/w.20(b)(ii)(c), 25 and 29(1) of NDPS Act.

2.The case of the prosecution is that the petitioners along with other accused, who are all family members were found in possession of 20,600 grams of ganja and that they were in joint possession of the said contraband.



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3.Learned counsel appearing for the petitioners submitted that the allegations are false; that the first petitioner is the wife of the second accused and the second petitioner is the wife of the first accused and they have been falsely implicated in this case; that the seizure and the contraband cannot be said to be in their conscious possession and hence, rigors of Section 37 of NDPS Act would not be applicable and sought for bail.

4.Learned Government Advocate (Crl. Side) appearing for the respondent police, while opposing for grant of bail to the petitioner, reiterated the case of the prosecution and submitted that all the accused, who were traveling in a car are related to each other; that the first petitioner has two previous cases, which are similar in nature and the second petitioner has one previous case under NDPS Act and therefore, they cannot feign ignorance of the contraband.

5.Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Crl. Side) for the respondent Police and perused the materials available on record.

6.It is seen from the FIR that 20,600 grams of ganja was seized from the car, in which the petitioners were traveling and the petitioners have previous cases under the NDPS Act. Hence, this Court is of the view that rigors of Section 37 of NDPS would be applicable and the petitioners have not satisfied the twin conditions under section 37 of the NDPS Act and hence, this Court is not inclined



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to grant bail to the petitioners. Accordingly, this Criminal Original Petition is dismissed.

21.03.2025

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To

1.The Inspector of Police,
Thirupathur Police Station
Thirupathur District

2.The Public Prosecutor,
High Court of Madras.



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SUNDER MOHAN, J.
sai

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