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CrI.O.P.No.2395



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.11.2025

CORAM :

THE HON'BLE MR. JUSTICE K. RAJASEKAR

CrI.O.P.No.23956 of 2025

M.Mala

... Petitioner/A3

-VS-

State Rep by,
The Inspector of Police,
H-6, R.K.Nagar Police Station,
Chennai.

... Respondent

Prayer:- Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail pending in C.C.No.600 of 2025 on the file of I Additional Special Judge, Special Court under EC & NDPS Act, Chennai.

For Petitioner : Mr.D.Padmanabhan

For Respondent : Mr.A.Gopinath,
Government Advocate (CrI. Side)

ORDER

The petitioner/A3, who was arrested and remanded to judicial custody on 10.05.2025, for the alleged offence punishable under Sections 8(c), r/w. 20(b)(ii)(B) & 25 of NDPS Act 1985 altered to 8(c) r/w.20(b)(ii)(C), 25 & 29(1)



of NDPS Act 1985 in Crime No.335 of 2025, on the file of the respondent police, seeks bail.

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2. The case of the prosecution is that on 10.05.2025 at about 06.30 hours, the defacto complainant namely Tmt. Tharani, Women Sub Inspector of Police, attached to H6 Nagar Police Station, Chennai, received secret information and entered the same in the General Diary, then got permission from the Inspector of Police. The Sub Inspector of Police, along with police parties, went to the scene of occurrence, IOC Railway Yard, Nagar, Chennai. A-6/Mari was possessing a black plastic bag in auto registration number TN 12 D 6343. Upon seeing the police persons, A-6 has started to run away from the scene of occurrence. Immediately the respondent police secured A-6/Mari and found 1.640 kg of ganja. Further based on his confession, the respondent police arrested the A1 to A4 and remanded them to judicial custody. A5 Mari @ Mariappan is absconding.

3. Learned counsel appearing for the petitioner submitted that the petitioner has been implicated in this case since she is the wife of A6. He further submitted that there is no recovery effected from this petitioner and except the confession statement, no other material is available to implicate her with the seized



contraband. Hence, he prayed for grant of bail to the petitioner.

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4. Learned Government Advocate (CrI.Side) appearing for the respondent police reported that there are totally 6 accused in this case. They have arrested A1 with contraband i.e., 21 kgs of Ganja. From his information, it was revealed that he used to purchase the contraband from A2 to A6. After arresting them, it was revealed that A2 to A6 used to go to other neighbouring states and being ganja and supply it to persons like A1. He further submitted that based on the confession, the petitioner has been implicated. Hence, he opposed for grant of bail to the petitioner.

5. I have also gone through the FIR and final report and other connected records. It is stated in the final report that this petitioner used to go and purchase the ganja along with other accused and sell the same to others. The statement of A1 reveals that he used to purchase it, however, as far as this contraband is concerned, he purchased it from other accused, not from the petitioner herein. Apart from that, there is no material evidence produced before this Court or produced along with the final report to show that this petitioner is also actively participated in transporting ganja and she intended to sell or handover the same to A1 in this case.



6. Considering the above facts, I am of the view that the petitioner satisfies the section 37 of NDPS Act for availing bail and also the fact that the petitioner is a lady, I am inclined to consider the same in her favour. Accordingly, I am inclined to grant bail to the petitioner, subject to certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.20,000/- (Rupees Twenty Thousand only)** with two sureties, each for a like sum to the satisfaction of the *learned I Additional Special Judge, Special Court for Exclusive Trial of Cases under NDPS Act, Chennai*, and on further conditions that:-

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall report before the trial Court daily at 10.30 a.m., for a period of four weeks.

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with the evidence or witness either during investigation or trial;



[e] 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];

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

11.11.2025

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Note:

1. Registry is directed to forthwith upload this order in the Official Website of this Court.
2. All concerned to act on this order being uploaded in Official Website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in the official website of this Court will be watermarked and will also have a QR code.



To

1.The I Additional Special Judge, Special Court for Exclusive Trial of Cases under NDPS Act, Chennai.

2.The Inspector of Police,
H-6, R.K.Nagar Police Station,
Chennai.

3.The Superintendent of Police, Central Prison, Puzhal.

4.The Public Prosecutor,
High Court, Madras.



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K. RAJASEKAR, J.

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