



CRL.OP(MD).No.4082 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.04.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD).No.4082 of 2025

Selvarani

... Petitioner / Accused No.1

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
Usilampatti Town Police Station,
Madurai District.
(Crime No.652 of 2023)

... Respondent / Complainant

PRAYER :- The Criminal Original Petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant bail to the petitioner in C.C.No.179 of 2024 on the file of the Special Court for Trial of Narcotic Drugs and Psychotropic Substances Act Cases, Madurai in connection with the Crime No.652 of 2023 on the file of the respondent-police.

For Petitioner : Mr.Subash Babu,
Advocate
for Mr.C.Susikumar,
Advocate
for M/s.Subash Law Office

For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor



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ORDER : The Court made the following order :-

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This Criminal Original Petition has been filed by the petitioner on 03.03.2025 under Section 483 of Bharatiya Nagarik Suraksha Sanhita (BNSS) praying to grant bail.

2. The petitioner / accused no.1 was arrested and remanded to judicial custody on 29.12.2023 for the alleged offences punishable under Sections 8(c) read with 20(b) (ii)(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985, in C.C.No.179 of 2024 on the file of the Special Court for Trial of Narcotic Drugs and Psychotropic Substances Act Cases, Madurai in connection with the Crime No.652 of 2023 on the file of the respondent-police.

3. The case of the prosecution is that based on the secret information, on 29.12.2023, at about 12:15 p.m., the defacto complainant, the Sub-Inspector of Police, along with his team, was on patrol duty near Mekizharpatti Service Road, Usilampatti-Batlagundu Road. They found that the petitioner (A1) was in possession of 24 kg of ganja. The respondent-police seized the ganja and one cell phone from A1. Based on her confession, the respondent-police proceeded to Kokudaiyanpattai and found that A2 was in possession of 36 kg of ganja. Hence, this case.

4. Initially, the petitioner filed Crl.M.P.No.449 of 2024 before the Principal Special Court for Trial of Narcotic Drugs and Psychotropic Substances Act Cases,

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



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Madurai, which was dismissed on 04.03.2024. Thereafter, the petitioner filed an application in Crl.O.P. (MD) No. 4849 of 2024 before this Court, which was dismissed on 29.04.2024. The relevant portions are extracted hereunder:-

“4. Considering the facts and circumstances of the case and also considering the fact that the petitioner was arrested with contraband, this Court is not inclined to grant any relief to the petitioner.

5. Accordingly, this Criminal Original Petition is dismissed.”

5. Mr.Subash Babu, the learned senior counsel appearing for Mr.C.Susikumar, the learned counsel for the petitioner, submits that the petitioner has been arrayed as Accused No1. He further submits that investigation has been completed and charge sheet was filed. He further submits that the Petitioner is entitled to be released on bail as she has been in jail since 29.12.2023. He further submits that there are no previous cases against the petitioner. He further submits that the petitioner is an innocent person and she has not committed any offence as alleged by the prosecution. Accordingly, he prays to allow this Criminal Original Petition.

6. Per contra, Mr.R.Meenakshi Sundaram, the learned Additional Public Prosecutor appearing for the respondent-police, submits that there are totally six accused persons in this case and the petitioner has been arrayed as A1. He further submits that investigation was completed and charge sheet was filed and the same



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has been taken on file in C.C.No.179 of 2024 by the Special Court for Trial of Narcotic Drugs and Psychotropic Substances Act Cases, Madurai. He further submits that the quantity involved in this case is 60 kgs of ganja, which is a commercial quantity. He further submits that the contraband has been purchased from the State of Andhra Pradesh and the same was brought to the State of Tamil Nadu via Dharmapuri District. He further submits that rigors stated in Section 37 of the NDPS Act would be applicable to the present case. Hence, he vehemently opposes to enlarge the petitioner on bail. Accordingly, he prays to dismiss the Criminal Original Petition.

7. Heard on both sides. This Court has perused the records.

8. On perusal of the records, it is revealed that the contraband seized by the respondent police is of commercial quantity. It is stated that the petitioner (A1) was arrested along with the contraband, which prima facie indicates the involvement of the petitioner in the crime. There are sufficient materials available on record to show that the petitioner is also involved in the offence. Hence, this Court is of the considered view that the petitioner has not satisfied the twin condition stated in Section 37 of the NDPS Act. To be noted, the above view is recorded only for the limited purpose of deciding the bail petition. The above view, in any way, would not cause prejudice to the rights of the petitioner to defend the case during the Trial.

Considering the above reasons and also considering the facts and circumstances of



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the case, the overt act alleged against the petitioner, this Court is not inclined to grant
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bail to the petitioner.

9. Accordingly, this Criminal Original Petition is dismissed.

sd/-
01/04/2025

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/05/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PAL
TO
1 THE JUDGE,
SPECIAL COURT FOR TRIAL OF NARCOTIC DRUGS
AND PSYCHOTROPIC SUBSTANCES ACT CASES,
MADURAI.

2 THE SUPERINTENDENT,
CENTRAL PRISON FOR WOMAN, MADURAI.

3 THE INSPECTOR OF POLICE,
USILAMPATTI TOWN POLICE STATION,
MADURAI DISTRICT.

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

+1 CC to M/s.M/S.SUBASH LAW OFFICE, Advocate (SR-3883[I] dated
03/04/2025)



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ORDER IN
CRL OP(MD) No.4082 of 2025
Date :01/04/2025

SA/SAR. /05.05.2025/6P/6C

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