



CRL OP (MD) No.4181 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/04/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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Tamil Selvi

... Petitioner/ Accused No.3

Vs

The State of Tamil Nadu
Rep. by the Inspector of Police,
Usilampatti Town Police Station,
Madurai District,
Crime No.382/2022

... Respondent/Complainant

For Petitioner : Ms.P.Sivaranjini, Advocate,
for M/s.P.Thanga Prithvi Rajan
For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

To grant bail to the petitioner in C.C.No.319 of 2023 on the file of the Principal Special Court for Trial of Narcotic Drugs and Psychotropic Substances Act Cases, Madurai in connection with Crime No.382 2022 on the file of the respondent-police.

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 04.03.2025 under Section 483 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to



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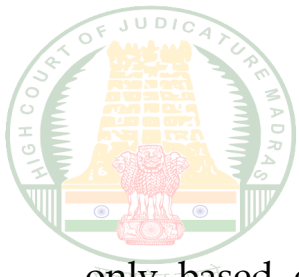
grant bail.

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2. The petitioner/Accused No.3 was arrested and remanded to judicial custody on 07.01.2025. The petitioner is facing trial in C.C.No.319 of 2023 on the file of the learned Principal Special Court for trial of NDPS Act Cases, Madurai, for the offences punishable under Sections 8(c) r/w 20(b)(ii)(C), 29(1) and 27(A) of NDPS Act, 1985, in connection with Crime No.382 of 2022, on the file of the respondent-police.

3.The case of the prosecution is that, on 22.09.2022, at about 07.00 hours, the Circle Inspector of Police, Usilampatti, received secret information regarding the illegal transportation of ganja by the accused persons. He immediately informed the Superintendent of Police, Usilampatti Sub-Division. Based on this information, the respondent-police proceeded to Annanagar Colony, Mamarathupatti. There, they intercepted the accused persons. On seeing the police party, the accused persons attempted to flee from the scene. However, the respondent-police apprehended them, conducted a search of their travel bags, and found that they were carrying 22 kgs of ganja. The contraband was seized by the respondent-police. Based on the confession of Accused Nos. 1 and 2, the petitioner herein was arrayed as Accused No.3 in this case and was arrested on 07.01.2025. Hence, the case.

4. Ms.P.Sivaranjini, learned counsel appearing for the petitioner, submits that the petitioner has nothing to do with the alleged offence. She further submits that



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only based on the confession of A1 and A2, the petitioner has been arrayed as
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Accused No.3. and that except the confession, no other material or evidence is available on record against the petitioner. She further submit that the petitioner has been in judicial custody since 07.01.2025 and is ready to abide by any conditions to be imposed by this Court. She further submits that the respondent filed a charge sheet. She further submits that if bail is granted to the petitioner, she will not abscond. Therefore, she prays for granting bail to the petitioner.

5. Per contra, Mr.R.Meenakshi Sundaram, learned Additional Public Prosecutor appearing for the respondent-police, submits that the police seized 22 kgs of ganja from A1 and A2 on the spot, which constitutes a commercial quantity. He further submits that since all accused persons, including the petitioner, conspired together and purchased the contraband with a common intention to sell it illegally and earn money and the petitioner has connection with the crime, the recovery of ganja from the other accused person should be taken into account and that the contraband seized from the other accused persons comes within the category of commercial quantity. Further, he submits that the rigors stated in Section 37 of the NDPS Act would be applicable to this case. He relies upon the judgment of the Hon'ble Supreme Court in Narcotics Control Bureau v. Mohit Aggarwal, reported in (2022) 18 SCC 374. The learned Additional Public Prosecutor therefore prays to dismiss this Criminal



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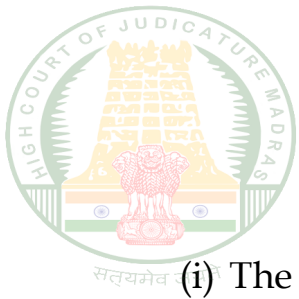
Original Petition.

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

7. The petitioner was arrested on 07.01.2025 and has been in judicial custody since then. Admittedly, 22 kgs of contraband, which has been seized from A1 and A2, is a commercial quantity. Except the confession of A1 and A2, no other acceptable material is available on record to connect the petitioner with the above crime. In the absence of any material connecting the petitioner with the alleged offence and in view of the fact that no contraband was recovered from him, it cannot be stated that the rigors stated in Section 37 of the NDPS Act would be applicable to the petitioner. Therefore, this Court is of the opinion that the petitioner has made out prima facie case for grant of bail and therefore, the further custody of the petitioner is not necessary in this case. It is to be noted that the above view is recorded only for the limited purpose of deciding this bail petition. This view, in any way, would not cause any prejudice to the rights of the prosecution in establishing its case during the trial. Further, the petitioner has permanent residence, and therefore, there is less possibility of absconding.

8. Considering the above and taking note of the period of incarceration, this Court is inclined to grant bail to the petitioner, however, subject to certain conditions. Accordingly, bail is granted to the petitioner subject to the following conditions:



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(i) The petitioner shall execute a bond for Rs.10,000/- (Rupees Ten Thousand only) along with two sureties each for a like sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the learned Principal Special Court for Trial of NDPS Act Cases, Madurai;

(ii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Principal Special Court for Trial of NDPS Act Cases, Madurai, shall obtain a copy of any one of identity proofs to ensure their identity;

(iii) The petitioner shall furnish her residential address and mobile number to the learned Principal Special Court for Trial of NDPS Act Cases, Madurai;

(iv) The petitioner shall appear and sign before the learned Principal Special Court for Trial of NDPS Act Cases, Madurai, on all working days, at 10.30 a.m., until further orders;

(v) The petitioner shall attend in accordance with the conditions of the bond to be executed under Chapter XXXV of BNS, 2023;

(vi) The petitioner shall not commit an offence similar to the offence of she is accused, or suspected, of the commission of which she is suspected;

(vii) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him



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from disclosing such facts to the Court or to any police officer or tamper with the
evidence; and

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(viii) On breach of any of the aforementioned conditions, the learned Principal Special Court for Trial of NDPS Act Cases, Madurai, is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions are imposed by him as laid down by the Hon'ble Supreme Court in P.K. Shaji vs. State of Kerala [(2005) 13 SCC 283].

9. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated supra.

sd/-
15/04/2025

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16/04/2025

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

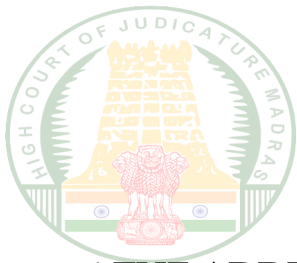
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TO

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

2 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI..

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



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

ORDER
IN

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Date :15/04/2025

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Madurai Bench of Madras High Court is issuing
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