



Crl.O.P(MD).No.12506 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Reserved on : 19.08.2025

Pronounced on : 12.09.2025

PRESENT

THE HONOURABLE MR.JUSTICE P.VADAMALAI

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Susila

... Petitioner/
Accused Rank Not Known

Vs.

The State of Tamil Nadu rep.by
The Inspector of Police,
PEW Thiruverambur Police Station,
Trichy District.
(Crime No.162 of 2024)

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of BNSS, to enlarge the petitioner on bail in the event of her arrest in connection with Crime No.162 of 2024 on the file of the respondent police.

For Petitioner : Mr.K.Arun Kumar
For Respondent : Mr.B.Thanga Aravindh
Government Advocate (Crl.side)



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ORDER

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The petitioner seeks anticipatory bail upon the apprehension of arrest at the hands of the respondent police for the alleged offences U/s.8(c) r/w 20(b) (ii)(C) of the NDPS Act in Crime No.162 of 2024 on the file of the respondent police.

2. The case of the prosecution is that on 28.02.2024 at 6.15 a.m., while the respondent police were on patrol duty near Ramjinagar Coloy, Mariamman Temple, Trichy, A1 and A2, were standing with travel bags. On search, A1 was in possession of 15 kg of ganja and A2 was in possession of 5.250 kg of ganja. On further enquiry, they gave a confession that Accused No.3 and his wife, the petitioner herein, asked A1 and A2 to procure ganja from Andhra Pradesh. So, the petitioner has been involved in the transport and purchase of 20.250 kg of ganja.

3. The learned counsel for the petitioner has submitted that in the FIR, only three named accused are mentioned and the petitioner's name does not find place. The petitioner has been falsely implicated upon the alleged confession statement of the accused/A1 & A2. He would further submit that the petitioner



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has not committed any offence as alleged by the prosecution.

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The co-accused/A1 and A2 were released on bail and A3 was released from detention order. The petitioner is ready to abide any condition imposed by this Court. Hence, the petitioner may be granted anticipatory bail.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that the contraband seized in this case is commercial quantity. The arrested accused/A1 and A2 have given voluntary confession statement that, only at the instigation of the petitioner and her husband/A3, they have purchased the ganja from Vijawada, Andhra Pradesh. The call details report revealed the contacts by the petitioner with the co-accused/A1 and A2. That apart, the petitioner is involved in previous cases of this nature and filed the list of previous cases pending against the petitioner. Moreover, the petitioner has been evading police enquiry in spite of several summons and is still absconding, custodial interrogation of the petitioner is necessary. Hence, he prays for dismissal of this petition.

5. Heard and perused the available records. It is seen from the records that the contraband involved in this case is 20.250 kg, which is commercial



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quantity. It is alleged that the said contraband 20.250 kg was seized from the accused/A1 & A2, who were found in possession of the same, upon search by the respondent police on secret information. It is further alleged that the arrested/A1 and A2 have stated in their confession statement that they knew the petitioner and they asked for job from the petitioner, for which the petitioner and her husband/A3 gave money and the cell phone number of one Geetha and further told them to go to Vijayawada for purchase of ganja. So, upon alleged confession statement, the petitioner has been arrayed as the accused. Moreover, the petitioner has previous cases of this nature in Crime Nos.56 of 2022, 478 of 2023, 1636 of 2023, 1156 of 2023 and 549 of 2021, all cases are U/s.20(b)(ii)(A) 8(C) of the NDPS Act.

6. The Hon'ble Supreme Court held that anticipatory bail should not be granted NDPS Act Cases involving commercial quantity. The Hon'ble Supreme Court held in a catena orders relating to bail matters under the NDPS Act that

"no person accused of an offence involving commercial quantity shall be released on bail unless the twin conditions laid down therein are satisfied, namely, (i) the public prosecutor has been given an opportunity to oppose the bail application; and (ii) the court is satisfied that



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there are reasonable grounds for believing that he is not guilty of such an offence and that he is not likely to commit any such offence while on bail. "

7. Moreover, while considering bail plea in case of NDPS Act cases, the Hon'ble Supreme Court held in catena of verdicts that as per provisions of Section 37 of the NDPS Act, the Court would have to record a satisfaction that there are grounds for believing that the accused is not guilty of the offence alleged and that he is not likely to commit any offence while on bail. The provision of Section 37 of the NDPS Act is as follows:-

“37. Offences to be cognizable and non bailable.—(1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974),—

(a) every offence punishable under this Act shall be cognizable;

(b) no person accused of an offence punishable for [offences under Section 19 or Section 24 or Section 27A and also for offences involving commercial quantity] shall be released on bail or on his own bond unless—

(i) the Public Prosecutor has been given an opportunity to oppose the application for such release, and

(ii) where the Public Prosecutor opposes the application, the court is satisfied that there



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are reasonable grounds for believing that he is not guilty of such offence and that he is not likely to commit any offence while on bail.

(2) The limitations on granting of bail specified in clause (b) of sub section (1) are in addition to the limitations under the Code of Criminal Procedure, 1973 (2 of 1974), or any other law for the time being in force on granting of bail] ”

8. In view of the above guidelines, the petitioner has bad record in the past and if the petitioner is granted anticipatory bail, she would commit the same crime. The twin conditions have not been satisfied by the petitioner's side. No reason is found to falsely implicate the petitioner in this case. Therefore, there is no good ground to grant anticipatory bail. All other contentions raised by the learned counsel for the petitioner pertain to the merits of the case and the same cannot be considered while considering the application for anticipatory bail. Therefore, considering the above facts and circumstances of the case and the gravity of the offence, this Court is not inclined to grant anticipatory bail to the petitioner.



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9. In the result, this Criminal Original Petition is dismissed.

12.09.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
VSD

To

- 1.The Inspector of Police,
PEW Thiruverambur Police Station,
Trichy District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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P.VADAMALAI, J.

VSD

Pre - Delivery Order made in
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12.09.2025