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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.11.2026

CORAM

THE HON'BLE MR.JUSTICE N.RAMESH

CRL.O.P.No.30196 of 2026

CNR: {HCMA012505692026}

Pavithra @ Maheshwari

Case QR

..Petitioner

Vs

The State Rep by The Inspector of Police,
Pallipalayam Police Station,
Namakkal District.
Crime No.341 of 2026.

..Respondent

PRAYER: To enlarge the petitioner on bail concerned in Crime No.341 of 2026 pending on the file of the respondent police, on such terms and conditions and as this Court may deem fit and proper.

For Petitioner : Mr.M.N.Balakrishnan

For Respondent : Mr.M.M.I.Khaleel,
Government Advocate (Crl.side).

ORDER

The petitioner/A2, who was arrested and remanded to judicial custody on 18.08.2026 for the alleged offences punishable under Section 8(c) read with Sections 20(b)(ii)(C) and 25 of the Narcotic Drugs and Psychotropic Substances Act, 1985, in Crime No.341 of 2026 on the file of the respondent police, seeks bail.

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2. The case of the prosecution is that on 30.07.2026 at about 06.30 hours, based on secret information regarding illegal sale of contraband, the respondent police team proceeded to the scene of occurrence and found Accused No. 1 (A1) engaged in converting ganja into small packets wrapped with khaki coloured packing tape marked as P1 to P40 for the purpose of sale. On seeing the police party, the accused persons attempted to escape, but the respondent police apprehended A1, conducted a search, and seized 87.900 kgs of ganja from his possession. Subsequently, based on the confession statement recorded from A1 and the Call Detail Records (CDR), the petitioner (A2), who is the wife of A3, was arrested on 18.08.2026 and arrayed as an accused in this case. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is a woman, an innocent person, and she has been falsely implicated in this case solely because she is the wife of the third accused (A3). He would further submit that on 30.07.2026, the respondent police arrested A1 and seized 87.900 kgs of ganja exclusively from A1, whereas the petitioner was arrested subsequently on 18.08.2026 and admittedly no contraband was recovered from her possession. He would contend that though it is alleged that the petitioner was part of the deal, there is absolutely no specific averment in the counter affidavit to implicate the petitioner in the alleged occurrence or the seizure of 87.900 kgs of ganja. Merely stating in paragraph 6 of the counter affidavit that

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the petitioner had Call Detail Records connecting her with A1 and A4 several times, without any specific allegation of her involvement in the transport or possession of the contraband, is wholly insufficient to establish conspiracy or nexus. He would further submit that the petitioner has been suffering incarceration since 18.08.2026 and is ready to abide by any stringent conditions imposed by this Court. Hence, he prays for grant of bail to the petitioner.

4. Per contra, the learned Government Advocate (Criminal Side) appearing for the respondent filed a counter affidavit and vehemently opposed the grant of bail, submitting that the contraband involved in this case is 87.900 kgs of ganja, which is a commercial quantity, and that the Call Detail Records reveal that the petitioner had contacted A1 and A4 several times, indicating her involvement in the illegal transport and sale of ganja. He would therefore submit that the statutory bar under Section 37 of the NDPS Act is attracted and prayed for dismissal of this petition.

5. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for the respondent and perused the materials available on record, including the counter affidavit.

6. On a careful perusal of the records, it is seen that on 30.07.2026, the respondent police arrested A1 and seized 87.900 kgs of ganja from his

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possession, whereas the petitioner (A2), who is a woman and the wife of A3, was arrested subsequently on 18.08.2026, and admittedly there is no recovery of any contraband from the petitioner. Though the prosecution relies upon paragraph 6 of the counter affidavit to state that the petitioner had Call Detail Record contacts with A1 and A4, there is no specific statement or substantive material placed on record to connect the petitioner with the alleged occurrence or the recovery of 87.900 kgs of ganja, nor is there any independent material to establish nexus or conspiracy in the alleged offence. In the absence of any recovery from the petitioner and any prima facie material establishing her involvement beyond mere telephonic contacts, this Court is satisfied that there are reasonable grounds to believe that the petitioner is not guilty of the alleged offence within the meaning of Section 37 of the NDPS Act. Taking into consideration the fact that the petitioner is a woman, the absence of recovery from her, and the period of incarceration suffered by her since 18.08.2026, this Court is inclined to grant bail to the petitioner.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties,** each for a like sum to the satisfaction of the **learned Judicial Magistrate Court-IV, Coimbatore,** and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship

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[Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure his identity;

[b] the petitioner shall report before the respondent police daily at 10:30 A.M. for a period of 30 days and thereafter, as and when required for interrogation;

[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 aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned 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)13 SCC 283];**

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

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N.RAMESH, J.

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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 Inspector of Police,
   Pallipalayam Police Station,
   Namakkal District.

2. The Judicial Magistrate Court-IV, Coimbatore.

3. The Superintendent,
   Special Prison for Women, Coimbatore.

4. The Public Prosecutor,
   Madras High Court.

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