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Crl.O.P.Nos.31914, 31917 and 31919 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **04.02.2026**

CORAM

THE HONOURABLE MR JUSTICE K. RAJASEKAR

CRL OP NOS.31914, 31917 and 31919 of 2025

Pavithra	... Petitioner in Crl.O.P.No.31914 of 2025/ A5
Sasi Kumar @ Maandi	... Petitioner in Crl.O.P.No.31917 of 2025/ A2
Prakash Raj	... Petitioner in Crl.O.P.No.31919 of 2025/ A1

Vs

The State rep. by,
The Inspector of Police,
H-8, Thiruvottiyur Police Station,
(Crime No.736 of 2025)

... Respondent/ Complainant

COMMON PRAYER : Criminal Original Petitions filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to grant bail to the petitioners/accused in C.C.No.1409 of 2025 pending on the file of the II Additional Special Court under EC and NDPS Act at Chennai.

For Petitioners in all cases

: Mr. I.Mohd Arif
For Mr. R. Dinesh

For Respondent(s)

: Mr. A. Gopinath
Government Advocate (Crl. Side)



COMMON ORDER

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The petitioner/ Pavithra was arrested and remanded to judicial custody on 21.06.2025 and the petitioners/ Prakash Raj and Sasi Kumar @ Maandi was arrested and remanded to judicial custody on 16.05.2025 for the offences punishable under Sections 8(c), 20(b)(ii)(C), 29(1) of NDPS Act, 1985 in C.C.No.1409 of 2025 pending on the file of the II Additional Special Court under EC and NDPS Act at Chennai, seek bail.

2. The case of the prosecution is that on 16.05.2025, based on a specific information received regarding illegal transportation of narcotic substances, the respondent team went near Thiruvottiur Railway Station and intercepted the petitioners/ Prakash Raj (A1) and Sasi Kumar @ Maandi (A2) and another accused namely Rishikumar (A3); that after complying all the mandatory provisions of the NDPS Act, search and seizure was effected, thereby 25 kilograms of Ganja were seized from the A1's bag under the seizure mahazar in the presence of witnesses; that thereafter their confessions statements were recorded and they were remanded to judicial custody; that the A1's confession statement revealed that, as per the instructions of the petitioner/ Pavithra (A5), Santhosh (A4) and Kumar (A6), A1 to A3 went to Odisha and purchased the contraband



with the help of Arun (A7) and Barani (A8), for the purpose of selling the contraband for their personal gain. Hence, this case.

3. The learned counsel appearing for the petitioners submitted that the petitioners herein have not committed any offence as alleged by the prosecution; that only based on confession, A2 and A5 were implicated in this case and there was no recovery from the petitioners/ A2 and A5; that the investigation of this case was completed and final report has been filed; and that the petitioners are ready to abide by any condition that may be imposed by this Court and sought for bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for the respondent while opposing the bail to the petitioners reiterated the prosecution case and submitted that the petitioners/ Prakash Raj (A1) and Sasi Kumar @ Maandi (A2) were caught red-handedly by the respondent police, while they were in possession of 25 kilograms of Ganja, which is a commercial quantity; that the confession of A1 reveals that the petitioner/ Pavithra and other accused had funded and instructed A1 to A3 to purchase the contraband from Odisha for the purpose of illegally selling the same for their personal gain; that the petitioner/ Pavithra has one previous case of



similar nature; and that the investigation of the case was completed and final report also filed.

5. I have considered the submissions made on both sides and perused the materials available on record.

6. The petitioners/ Prakash Raj (A1) and Sasi Kumar @ Maandi (A2) were known to each other and they were travelling together along with A3 and in conscious possession of 25 kilograms of Ganja, which is a commercial quantity, hence the rigours of Section 37 of the NDPS Act is applicable to the case of the petitioner herein, hence this Court is not inclined to grant bail to the petitioners/ Prakash Raj (A1) and Sasi Kumar @ Maandi (A2) in Crl.O.P.Nos.31919 and 31917 of 2025, respectively. **Accordingly, the criminal original petitions in Crl.O.P.Nos.31917 and 31919 of 2025 stand dismissed.**

7. As far as the petitioner/ Pavithra in Crl.O.P.No.31914 of 2025 is concerned, though it is stated that by the respondent that she had actively participated in the offence by funding and engaging other accused for procuring and transporting of ganja, but there is no legally acceptable evidence or sufficient materials produced before this Court to support the



prosecution case, apart from the fact that, she has been implicated in this case only based on the confession of the arrested accused. Further, though 11 witnesses were cited by the respondent in the final report, none of the witnesses were listed to speak about the alleged funding or engaging of other accused by the petitioner/ Pavithra for the aforesaid offence.

8. The above facts clearly shows that, the prosecution had only relied on the statement of the arrested accused, which is inadmissible as held by the judgment of the Apex Court in ***Toofan Singh vs. The State of Tamil Nadu [AIR 2020 SCC 5592]***.

9. Though, it is stated that the petitioner/ Pavithra is having one previous case under NDPS Act, that case does not involve commercial quantity. Considering the discussions made above, this Court is of the view that there is no sufficient material and reasonable grounds made out to connect the petitioner in Crl.O.P.No.31914 of 2025/ Pavithra with the offence and to detain her under custody, hence this Court is inclined to grant bail to the petitioner with certain conditions.

10. Accordingly, the petitioner in Crl.O.P.No.31914 of 2025/ Pavithra is ordered to be released on bail on her 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 II Additional Special Court under EC & NDPS Act at Chennai** and on further conditions that:

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

[b] **the petitioner in Crl.O.P.No.31914 of 2025/ Pavithra shall report before the Trial Court daily at 10:30a.m., until further orders;**

[c] 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]**;

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



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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 II Additional Special Court under EC & NDPS Act,
Chennai.
2. The Inspector of Police,
H-8, Thiruvottiur Police Station,
(Crime No.736 of 2025)

K. RAJASEKAR, J.

stn

3. The Superintendent,
Central Special Prison for Women at Puzhal.



4. The Public Prosecutor,
High Court of Madras.

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