

In the court of the Principal Special Court for EC & NDPS Act Cases, Madurai.

Present: Thiru V.Padmanabhan, M.A., M.L. D.H.  
Additional District Judge/Presiding Officer.

Dated this the 11th Day of September 2020, Friday

Special CrI.M.P.No. 369 of 2020

Rasakodi,(52/2020)  
W/o.Palraj.

.. Petitioner/Accused.

/Versus/

State through the Inspector of Police,  
Usilampatti Town Police Station,  
Cr.No.141/2020.

.... Respondent/Complainant.

This bail petition is filed through **online**/email on 20.08.2020 and taken on file before me finally on this day in the presence of Thiru.A.Sarankumar, Advocate for the petitioner and Thiru.P.Seetharaman, Special Public Prosecutor for the State and upon perusing the records this court delivered the following:-

**ORDER**

Heard both sides through conference call.

2) The learned Counsel appearing for the petitioner/accused would submit that the petitioner has been in judicial custody from 17.02.2020 and charged for the alleged offence under section 8 (c) r/w 20 (b) (ii) (C) & 25 of NDPS Act; that the petitioner did not involve in this case incident as alleged on prosecution side; that the petitioner is an innocent person; that if the petitioner is released on bail she will abide the conditions of this court and that she may be released on bail.

3) Per contra, in the objections filed on prosecution side it is stated that the petitioner already involved in eight previous case incidents including similar nature of offence; that on 17.02.2020 the complainant Police involved in surveillance in the spot, where the petitioner was intercepted and thereafter

totally 23.300 kgs ganja was recovered; that the petitioner is the habitual offender; that investigation is pending and that petition may be dismissed.

4) In the objections filed on prosecution side it is specifically stated that the petitioner already involved in similar nature of offence. As per S.37 of NDPS Act in respect of commercial quantity the Court cannot grant bail to the accused as a matter of routine. The court has to satisfy based on the reasonable grounds that the accused will not be found guilty if the trial is taken up. Further, this Court has to satisfy that if the accused was granted bail she will not commit any such similar offence on bail. As indicated in the objections the petitioner already involved in similar nature of offence. Hence, this court could not hold that the petitioner will not involve in similar offence in future if she is granted bail.

5) From perusal of entire case records including confession statement of petitioner, at this stage prima facie material is available to show that commercial quantity of contraband was recovered from the petitioner and petitioner is the habitual offender at this stage.

6) For granting bail in a case involving commercial quantity under NDPS Act satisfaction in terms of section 37 of NDPS Act must be recorded. But, the petitioner did not put forth any reasonable ground for belief that she is not guilty of offence and she is not likely to commit the offence on bail.

7) Considering the above circumstances, serious objections on prosecution side, stage of the case, previous bad antecedents of the petitioner, weight of the contraband and in the interest of justice, this court is not inclined to grant bail to the petitioner at this stage.

In the result, this petition is dismissed.

(Sd.) V.Padmanabhan,  
Additional District Judge / Presiding Officer,  
Prl. Spl Court for EC & NDPS Act Cases,  
Madurai.