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CRL OP No. 19263 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-07-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 19263 of 2026

Salma Fathima

..Petitioner

Vs

The State Rep by
The Inspector of Police
M-4, Redhills Police Station,
Chennai.
Crime no.645 of 2025.

..Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge them on bail in CC.No.335 of 2026
on the file of the I Additional Judge for NDPS Act case at Chennai.

For Petitioner:

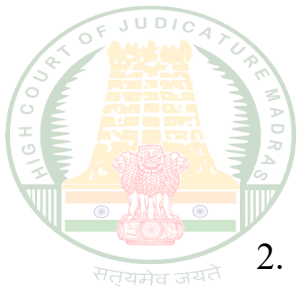
Mr.L Infant Dinesh

For Respondent:

Mr.S.Yogaraja Sekar
Counsel for Government of Tamil Nadu
(Criminal Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on
01.10.2025 for the alleged offence under Section 8(c), 22(c) and 29(1) of the
Narcotic Drugs and Psychotropic Substances Act, 1985 in C.C.No. 335 of 2026
on the file of the learned I Additional Judge for NDPS Act in Crime No.645 of
2025 on the file of the respondent police, seeks bail.



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2. The case of the prosecution is that on the date of occurrence, the respondent police intercepted A1 and A2 and allegedly recovered 10 grams of Methamphetamine from the possession of A1. Based on the alleged disclosure statement of A1, the respondent police proceeded to the residence of A3, where the petitioner / A4 was allegedly present along with her infant child. During the search of the said premises, the police claim to have recovered 65 grams of Methamphetamine from A3, pursuant to which A3 and A4 were arrested. Hence, the case.

3. The learned counsel for the petitioner submitted that there are about four accused and this petitioner has been arrayed as A4. As against this petitioner, there is no recovery at all. What was recovered was only Rs.5,000/-. Out of the total recovery of 75 grams of Methamphetamine, which is a commercial quantity, 10 grams have been recovered from A1 and 65 grams have been recovered from A3. As against A2, there is no recovery and has already been enlarged on bail.

4. It is specific contention of the learned counsel for the petitioner that except the confession statement, there are no other materials against the petitioner and that the petitioner was simply added as an accused only because of the reason that at the time of search, she was along with A3. Hence, he



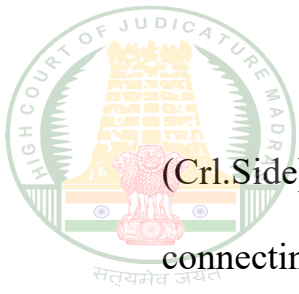
prayed for grant of bail to the petitioner.

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5. The said contention was totally objected by the learned Government counsel (Crl.Side). He submitted that according to the confession statement of A3, only upon the instance of this petitioner, on payment of Rs.50,000, he purchased the contraband, which was in her possession was purchased only on behalf of the petitioner. Therefore there is a nexus. Hence taking into consideration of the presence and nexus between A3 and A4, recovery from A3 would constitute the conscious possession of the commercial quantity of the contraband even as against A4. Hence, prayed to dismiss this application.

6. I have given my anxious consideration to either side submissions and perused the materials available on record.

7. According to the factual position, this petitioner has no criminal antecedents and admittedly there was no recovery of contraband from this petitioner. Only based upon the confession statement of A3, she has been implicated in this case. According to the submissions of the learned Government counsel (Crl.Side), in the confession of A3, he stated that she received Rs.50,000/- from A4 for the purchase of contraband and only on her behalf, she has purchased 65 grams of contraband and it was in her possession. Though such submissions were made, the learned Government counsel



(Crl.Side) fairly submitted that except the confession statement, there are no connecting materials or discovery of fact effected in furtherance of the confession statement.

8. Therefore, it is amply clear that the implication of this petitioner is only based upon his availability at the time of seizure, along with A3. Though, the prosecution relies upon the confession statement, there are no discovery of fact beyond the confession statement. Hence, as held by the Hon'ble Supreme Court in the case of *Toofan Singh Vs. State of Tamil Nadu* reported in (2021) 4 SCC 1, the mere confession is not sufficient to implicate a person as an accused and admittedly, the petitioner has no criminal antecedents. Furthermore, as instructed by this Court to ascertain the distance between the residences of the petitioner and A3, it was submitted that they are approximately one kilometre apart. In such view of the circumstances, this Court is of the firm view that the petitioner has made out a reasonable case to overcome the rigour under section 37 of NDPS Act and this Court is inclined to enlarge the petitioner on bail, subject to certain conditions.

9. Accordingly, the petitioner 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 I Additional Judge for NDPS Act case at Chennai** and on further conditions



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[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 shall report before the respondent police daily at 10.30 a.m., until further orders;

[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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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 I Additional Judge for NDPS Act case at Chennai.
2. The Inspector of Police
M-4, Redhills Police Station,
Chennai.
3. The Public Prosecutor
High Court of Madras
4. The Women Prison at Puzhal Jail,
Chennai.



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C.KUMARAPPAN J.

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