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Crl.O.P.No.23545 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-02-2026

CORAM

THE HONOURABLE MR JUSTICE K. RAJASEKAR

CRL OP NO.23545 of 2025

Keith Emmanuel Arnold

... Petitioner/ Accused

Vs

Union of India,
Rep. By, The Intelligence Officer,
NCB, Chennai Zonal Unit,
Chennai.
(R.R. No.46 of 2023)

... Respondent/ Complainant

Prayer: Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to grant bail to the petitioner/ accused in C.C.No.556 of 2024 on the file of the learned I Additional Special Judge for NDPS Act, Chennai.

For Petitioner : Mr. John Sathyan, Senior Advocate
For Mr. T.S. Sasi Kumar

For Respondent(s) : Mr. N.P. Kumar
Special Public Prosecutor



ORDER

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The petitioner, who was arrested and remanded to judicial custody on 10.05.2024 in C.C.No.556 of 2024 on the file of the learned I Additional Special Judge for NDPS Act, Chennai, for the offences under Sections 8(c) r/w 22(c), 23(c), 28 and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985, seeks bail. The earlier bail application of the petitioner was dismissed by this Court, vide order dated 02.04.2025 in Crl.O.P.No.2266 of 2025.

2. The case of the prosecution is that on 26.10.2023 based on a specific information, the respondent police team went to the place of occurrence and intercepted A1: that after complying all the mandatory provisions under the NDPS Act, search and seizure was effected and found that A1 was in illegal possession of 2.36 grams of LSD blots and 129 grams of MDMA pills; that thereafter, summons under Section 67 of NDPS Act was issued to A1 and his statement was recorded, which reveals that A1 acted as a peddler for the petitioner herein (A2), who procured narcotic drugs through dark net platforms using cryptocurrency and arranged international courier deliveries under fake identities; that thereafter, the petitioner was summoned by the Investigation Officer, since the petitioner evaded the investigation process, a complaint was initially filed against A1 and the investigation against the petitioner herein was



kept open; that subsequent to filing of complaint against A1, a summon was issued to the petitioner herein on 08.05.2024 and his statement was recorded under Section 67 of the NDPS Act; that during further course of investigation, including confessional statements, digital material and other evidences, establish the active and long-standing role of the petitioner herein in procurement, trafficking, financing and conspiracy; that subsequently, the petitioner was arrested and remanded to judicial custody.

3. The learned counsel appearing for the petitioner submitted that, the petitioner has been falsely implicated in this case, only based on the confession of A1; that there is no recovery effected from the petitioner herein and the respondent had not included the name of the petitioner herein in the charge sheet filed on 16.04.2024 against A1 and nor shown as an absconding accused; that there is no legally acceptable evidence produced by the prosecution to link the petitioner herein with A1 and the alleged contraband seized in this case; that the earlier bail application of the petitioner in Crl.O.P.No.2266 of 2025 was dismissed by this Court, vide order dated 02.04.2025 with a direction to the Trial Court to complete the trial within a period of four months, however the trial has not yet concluded; that the petitioner is in judicial custody since 10.05.2024; and that the petitioner is ready to abide by any condition that may be imposed by this Court and sought for bail to the petitioner.



4. Per contra, the learned Special Public Prosecutor appearing for the respondent while opposing the bail to the petitioner reiterated the prosecution case and submitted that, though there is no recovery from the petitioner herein, the petitioner was not only implicated on the confession of A1, but also on the basis of other evidence including whatsapp chats and screenshots, recovery of fake Aadhaar Card in the name of one Kishore with the photo of the petitioner herein, which is also found in his phone gallery, bank account transactions, call detail records, etc., shows the involvement of the petitioner herein in the aforesaid offence; that initially complaint was filed against A1 and the investigation against the petitioner was kept open; that subsequent to filing of the complaint against A1, the petitioner was served with summons, his statement under Section 67 of NDPS Act was recorded, the arrest memo was also issued to the petitioner herein, which explains the reasons for his arrest; that the contraband involved in this case is a commercial quantity, hence the petitioner has to satisfy the rigors of Section 37 of NDPS Act; that the trial process is pending, since the accused in this case is filing subsequent petitions before the Trial Court, for delaying the trial process.

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



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6. Though it is contended by the petitioner that there is no prima facie case to link the petitioner herein with the alleged recovery of contrabands, including the MDMA pills recovered from A1 in this case. The respondent have relied on the whatsapp chats between the phone number (9962668308) used by the petitioner herein, registered in the name of his father and also CDR statements to corroborate the fact that A1 and the petitioner were in constant contact before, during and after procurement of contrabands and also after delivery of the same through courier. The prosecution has also produced materials to show that the petitioner herein was maintaining Binance cryptocurrency wallet (Keithcoolquv@gmail.com) and transacting in BTC, USDT and XMR for such purchases. Further there are e-mail notifications reflecting withdrawals and transfers of money made by the petitioner and the screenshots of the whatsapp chats taken place between the petitioner and A1 is also recovered to show that there are discussions made regarding shipment methods, packing modes and pricing. Further, the parcel been sent through courier in the name of one Kishore and by means of fabrication of Aadhaar card, which was used for taking delivery of the said contraband and in the said fabricated Aadhaar card, the petitioner's photograph was affixed.

7. The above facts clearly indicates that the petitioner had colluded



with other accused used the dark web and after fabrication of fake Aadhaar card, procured and trafficked various kinds of contrabands. Modus adopted by the petitioner and other accused shows that they have taken delivery of the contraband sent through courier before the actual delivery date for the purpose of avoiding any suspicion. Though there were no chats taken place between the petitioner and A1 on the date of seizure of contraband, there are materials and screenshots of whatsapp chats to show that the petitioner and other accused were in constant touch between them right before, during and procurement of contraband. The statements recorded from A1 and the petitioner corroborates with various facts, more particularly the manner in which the contraband was procured and also the manner in which the delivery of the contraband was taken by using fabricated Aadhaar card.

8. The Three Bench judgment of the Apex Court in ***Narcotics Control Bureau vs. Mohit Aggarwal [2022 0 AIR(SC) 3444]***, the Apex Court has considered the grounds to be made out for granting bail and also interpreted the meaning of word “Reasonable grounds” incorporated in Section 37 of the NDPS Act and categorically observed in paragraph Nos.14 and 15 as follows:

“14. To sum up, the expression “reasonable grounds” used in clause (b) of Sub-Section(1) of Section 37 would mean credible, plausible and grounds for the Court to believe that the accused person is not guilty of the alleged offence. For arriving at any such



conclusion, such facts and circumstances must exist in a case that can persuade the Court to believe that the accused person would not have committed such an offence. Dove-tailed with the aforesaid satisfaction is an additional consideration that the accused person is unlikely to commit any offence while on bail.

15. We may clarify that at the stage of examining an application for bail in the context of the Section 37 of the Act, the Court is not required to record a finding that the accused person is not guilty. The Court is also not expected to weigh the evidence for arriving at a finding as to whether the accused has committed an offence under the NDPS Act or not. The entire exercise that the Court is expected to undertake at this stage is for the limited purpose of releasing him on bail. Thus, the focus is on the availability of reasonable grounds for believing that the accused is not guilty of the offences that he has been charged with and he is unlikely to commit an offence under the Act while on bail.”

9. As discussed in the earlier paragraphs, the prosecution side had produced various materials and evidence as against the petitioner herein, therefore it is the burden of the petitioner to establish that there is no substantial probable causes for believing that he is not guilty of the alleged offence, however no such grounds have been made out by the petitioner herein, except raising certain doubts regarding the prosecution case, hence this Court is not inclined to grant bail to the petitioner.

K. RAJASEKAR, J.

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10. Accordingly, this criminal original petition stands dismissed.



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To

1. The Intelligence Officer,
NCB, Chennai Zonal Unit,
Chennai.
(R.R. No.46 of 2023)
2. The Public Prosecutor,
High Court of Madras.

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