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CrI.O.P.No.2359 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.03.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

CrI.O.P.No.2359 of 2025

Krishnakumari

... Petitioner/A4

Vs.

The State Rep. by
The Intelligence Officer
NCB, Chennai Zone Unit
Chennai 77
R.R.No.37 of 2024

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, to enlarge the petitioner on bail in R.R.No.37 of 2024 on the file of the respondent.

For Petitioner : Mr.R.C.Paul Kanagaraj
for Mr.G.Mageshkumar

For Respondent : Mr.N.P.Kumar
Special Public Prosecutor for NCB Cases

ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 17.06.2024, seeking bail in R.R.No.37 of 2024 registered for the offence under Section 8(c) of the NDPS Act r/w.22(c), 27(A), 28 & 29 of the NDPS Act 1985.

2.The case of the prosecution is that on a secret information, two Sri Lankan nationals viz., first and second accused were intercepted and they were



CrI.O.P.No.2359 of 2025

found in possession of 1.470 Kgs of white-coloured crystal substance, later confirmed to be Methamphetamine; that their confession revealed that A3, who is also a Sri Lankan national was their associate and he had arranged for the contraband; that the contraband was meant to be smuggled to Sri Lanka; that A3 along with A1 and A2, was a carrier of contraband to Sri Lanka at the instance of A6; that the petitioner/A4 and one Mohammed Rizaludeen/A5 were found in possession of sum of Rs.1,29,04,800/-, which is alleged to be proceeds from drug sales and other illegal activities. Hence, the case

3.The learned counsel for the petitioner submitted that no contraband was seized from the petitioner; that the petitioner is sought to be implicated only on the confession of the co-accused; that the petitioner has no bad antecedents; that similarly placed co-accused, who are implicated on the confession of the co-accused were released on bail by this Court in CrI.OP.No.32161 of 2024 by order dated 21.01.2025, CrI.OP.No.29139 of 2024 by order dated 09.12.2024 and CrI.OP.No.5869 of 2025 by order dated 24.03.2025; that further custody of the petitioner is not required for the purpose of investigation and sought for bail.

4.The learned Special Public Prosecutor appearing for the respondent, while opposing the grant of bail to the petitioner, reiterated the prosecution case and also filed a counter affidavit of the respondent, which stated that the petitioner is the wife of A6; that since the quantity seized from the co-accused is a



CrI.O.P.No.2359 of 2025

commercial quantity of Methamphetamine, the rigors of Section 37 of the NDPS Act, would be applicable; and that the petitioner has not satisfied the twin conditions under Section 37 of the NDPS Act, and hence is not entitled to bail.

5. Admittedly, no contraband was seized from the petitioner. There is no other material apart from the confession of the co-accused to implicate this petitioner. The petitioner has no bad antecedents. Hence, this Court is of the view that the petitioner has satisfied the twin conditions under Section 37 of the NDPS Act. Further the petitioner was arrested on 17.06.2024 and the similarly placed co-accused were released on bail by this Court in CrI.OP.No.32161 of 2024 by order dated 21.01.2025, CrI.OP.No.29139 of 2024 by order dated 09.12.2024 and CrI.OP.No.5869 of 2025 by order dated 24.03.2025.

6. Therefore, considering the aforesaid facts and the period of incarceration, this Court is of the view that further custody of the petitioner is not required for the purpose of investigation and is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.15,000/- (Rupees Fifteen Thousand only) with two sureties each for a like sum to the satisfaction of the learned Principal Special Judge, EC & NDPS Court, Chennai, and on further conditions that:



Cr1.O.P.No.2359 of 2025

WEB COPY

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall report before the respondent Police, everyday at 10.30 a.m., until further orders, apart from that, he shall appear before the trial Court for every hearing date, regularly without fail. If any deviation in complying any of the conditions, bail granted to the petitioner shall stand cancelled;

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the 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)AIR SCW 5560]*;

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

25.03.2025

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Cr1.O.P.No.2359 of 2025

SUNDER MOHAN, J.
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To

1.The Principal Special Judge, EC & NDPS Court, Chennai

2.The Intelligence Officer
NCB, Chennai Zone Unit
Chennai 77

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

4.The Public Prosecutor,
High Court of Madras.

Cr1.O.P.No.2359 of 2025

25.03.2025