



Crl.O.P.No.9703 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.07.2025

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.9703 of 2025

Poongodhai

... Petitioner/ Accused No.3

Vs.

State rep. by
The Intelligence Officer,
Narcotic Control Bureau,
Chennai Zonal Unit,
Chennai - 600 090.
R.R.No.45 of 2024

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the Petitioner/Accused on bail in connection with R.R.No.45 of 2024 { F.No.48/1/20/2024- NCB/MDS} pending on the file of the Intelligence Officer, Narcotic Control Bureau, Chennai.

For Petitioner : Mr.P.Santhosh

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 28.09.2024 in connection with R.R.No.45 of 2024 registered for the offences punishable under Sections 8(c) read with Section 20(b)(ii)(C), 28 and 29 of



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Narcotic Drugs and Psychotropic Substances Act, 1985 on the file of the respondent, seeks bail.

2. The contention of the petitioner is that the petitioner was arrested by the respondent on 28.09.2024 merely on the confession of the co-accused. From the petitioner, there is no seizure of any contraband and further, in this case, initially A1 and A2 were arrested, from whom, 2 kgs of ganja was seized and thereafter, further 50kgs of ganja was seized after a day and hence, there is a suspicion in the manner of seizure of ganja.

3. The learned Counsel for the petitioner further relied upon the judgement of the Hon'ble Apex Court in **STATE BY[NCB] BENGALURU Vs PALLULABID AHMAD ARIMUTTA & ANR** reported in **2022 LIVE LAW(SC)69**, wherein para(9) of the order reads as follows:

Having gone through the records along with the tabulated statement of the respondents submitted on behalf of the petitioner- NCB and on carefully perusing the impugned orders passed in each case, it emerges that except for the voluntary statements of A-1 and A-2 in the first case and that of the respondents themselves recorded



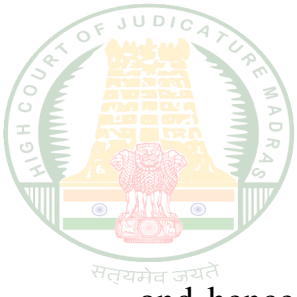
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under Section 67 of the NDPS Act, it appears, prima facie, that no substantial material was available with the prosecution at the time of arrest to connect the respondents with the allegations levelled against them of indulging in drug trafficking. It has not been denied by the prosecution that except for the respondent in SLP (Crl.) No.1569/2021, none of the other respondents were found to be in possession of commercial quantities of psychotropic substances, as contemplated under the NDPS Act.

3. The learned Special Public Prosecutor strongly opposed for grant of bail to the petitioner stating that the petitioner is an already convicted accused in NDPS case and her appeal was also dismissed by this Court, against which, she had preferred an appeal before the Apex Court pending for disposal. He further submitted that the petitioner has actively involved in this case and hence, he prayed for dismissal of this petition.

4. From the referred judgement cited by the learned counsel for the petitioner, it is held that, CDR details would be sufficient and the veracity of the same would be determined at the stage of trial and not at the stage of bail and further, petitioner is an convicted accused in NDPS case (commercial quantity)



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and hence, as per Section 37 of NDPS Act, petitioner is not entitle for grant of bail. Hence, this Court is not inclined to grant bail to the petitioner.

5. Accordingly, this Criminal Original Petition is dismissed.

24.07.2025

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To

1. The Superintendent of Customs,
Prosecution Unit-Airport,
New Custom House, Meenambakkam,
Chennai -27.

2. The Public Prosecutor,
High Court of Madras.



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M.NIRMAL KUMAR, J.

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