



CrI.O.P.No.20523 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on :03.09.2025

Pronounced on :15.09.2025

CORAM

THE HONOURABLE Dr.JUSTICE G.JAYACHANDRAN

Criminal Original Petition No.20523 of 2025

Chinthamani, Female aged 35 years, (A1)

W/o Prabhakaran,

No.470, 8th Street, Sasthri Nagar,

Annasalai, Vyasarpadi,

Chennai 39.

.. Petitioner/Accused A1

/versus/

Union of India,

Narcotic Control Bureau,

Through Intelligence Officer,

Narcotics Control Bureau,

Chennai Zonal Unit,

Chennai.

.. Respondent/Complainant

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in the above C.C.No.547 of 2024 on the file of the I Additional Special Court for Exclusive Trial of Cases under NDPS Act, at Chennai in R.R.69 of 2023 on the file of the respondent police.



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For Petitioner :Mr.S.Senthilvel

For Respondent :Mr.N.P.Kumar,
Spl.P.P.(NCB)

ORDER

Criminal Original Petition for bail by the first accused in C.C. No.547 of 2024 pending on the file of the Special Court for NDPS Offences at Chennai.

2.The petitioner was arrested on 23.12.2023 in connection with seizure of 4.801 kgs of Methamphetamine, a psychotropic drug of commercial quantity. She stands trial for the offences under Sections 8(c) r/w 22(c), 23(c), 25, 27 (A), 28 and 29 of NDPS Act.

3.The case of the prosecution is that on specific information received on 21.12.2023 that one Joseph Justin and his associate Munna had planned to procure 2 kgs of Methamphetamine from one Chinthamani (the petitioner herein) and the same is likely to be delivered at the residence of one Veeraselvam @ Selvam, the trap was laid and from the residence of Veeraselvam, 1.823 kgs of Methamphetamine was seized from the house



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search. Joseph Justin Paul, Veeraselvam @ Selvam and Saravanan @ Samy were arrested. On their information, the premise of Chinthamani, the supplier of the drug was searched on 22.12.2023 and from her residence, 2.978 kgs of Methamphetamine was recovered under Mahazar. As follow up, further 11 kgs of Methamphetamine seized at Manipur on 28/29-12-2023 and four more persons were arrested. The result of the investigation has disclosed that this petitioner is main supplier of Methamphetamine to the local peddlers. She used to procure huge quantity of Methamphetamine from North East India and distribute it to the peddlers in TamilNadu.

4.The bail petition is opposed by the prosecution stating that this is the second bail petition. The Court dismissed the earlier bail petition holding that there is no reasonable ground to believe that the petitioner was not guilty of the offence. There is no change in circumstances to entertain subsequent bail petition. Further, for violating the provisions of NDPS Act and possession of prohibited drugs, this petitioner has already been prosecuted several times. If the petitioner is released on bail, there is every possibility of committing similar offence again.



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5.This Court, on considering the facts, holds that the petitioner, who had been found in possession of 2.978 kgs of methamphetamine in her house is unable to give any satisfactory explanation for the licit possession. Her plea of ill-health is not supported by any medical records. The quantum of drug seized from her possession and from her associates is more than 50 times prescribed in law as commercial quantity.

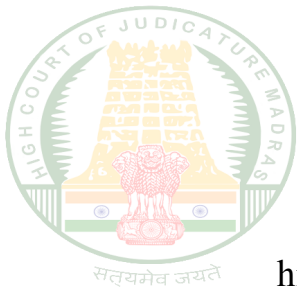
6.Section 37 of the NDPS Act deals with bail to the accused charged in connection with offence involving commercial quantity of a Narcotic drug or Psychotropic substance. The provision is reproduced herein-below for the sake of ready reference:

"37. Offences to be cognizable and non-bailable:

(1)Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974):

(a) every offence punishable under this Act shall be cognizable.

(b)no person accused of an offence punishable for [offences under Section 19 or 24 or 27-A and also for offences involving commercial quantity] shall be released on bail or on



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his own bond unless:

(i) the Public Prosecutor has been given an opportunity to oppose the application for such release.

(ii) where the Public Prosecutor opposes the application, the court is satisfied that there are reasonable grounds for believing that he is not guilty of such offence and that he is not likely to commit any offence while on bail.

7. A plain reading of statutory provision makes it abundantly clear that in the event, the Public Prosecutor opposes the prayer for bail, the Court would have to record a satisfaction that there are grounds for believing that the accused is not guilty of the offence alleged and that he is not likely to commit any offence while on bail.

8. In the case in hand, neither of the above two conditions stand satisfied. Hence, this Criminal Original Petition for bail stands dismissed.

15.09.2025

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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 Special Court for Exclusive Trial of Cases under NDPS Act, Chennai.
- 2.The Union of India, Narcotic Control Bureau, Through Intelligence Officer, Narcotics Control Bureau, Chennai Zonal Unit, Chennai.
- 3.The Central Special Prison for Women, Puzhal, Chennai.
- 4.The Special Public Prosecutor, (NCB), High Court, Madras.



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Dr.G.JAYACHANDRAN, J.

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delivery Order made in
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