



CRL.OP (MD) No.7165 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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DATED : 08.05.2025

CORAM

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP (MD) No.7165 of 2025

P.MonishaSheela,
W/o.Phillomen Prakash

... Petitioner / Accused No.3

Vs.

Union of India represented by it
Intelligence Officer,
Directorate of Revenue Intelligence,
No.14, Saraswathi Nathi Street,
Mahatma Gandhi Nagar,
Madurai - 625014.
(F.No.DRI/MDU/VIII/48/ENQ/INT-01/2024)

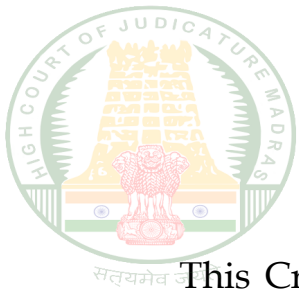
... Respondent / Complainant

PRAYER :- The Criminal Original Petition filed under Section 483 of the Bharatiya
Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant bail to the petitioner in
C.C.No.250 of 2024 pending on the file of the Special Court for EC and NDPS Act
Cases, Madurai in connection with F.No.DRI/MDU/VIII/48/ENQ/INT-01/2024
on the file of the respondent.

For Petitioner : Mr.J.Ramesh,
Advocate.

For Respondent : Mr.Arul Vadivel @ Sekar,
Special Public Prosecutor

ORDER :- The Court made the following order :-
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CRL.OP (MD) No.7165 of 2025

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This Criminal Original Petition has been filed by the petitioner on 17.04.2025 under Section 483 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant bail to the petitioner in C.C.No.250 of 2024 pending on the file of the Special Court for EC and NDPS Act Cases, Madurai in connection with F.No. DRI/ MDU/ VIII/ 48/ ENQ/ INT- 01/2024 on the file of the respondent.

2. The petitioner / Accused No.3 was arrested and remanded to judicial custody on 02.03.2024 for the alleged offences punishable under Sections 21(c), 22(2), 28 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 [in short “NDPS Act”], in F.No.DRI/MDU/VIII/48/ENQ/INT-01/2024 on the file of the respondent. After investigation, complaint has been filed and the same was taken on file by the Special Court for EC and NDPS Act Cases, Madurai in C.C.No.250 of 2024.

3. The case of the prosecution is that the petitioner / A2 herein is the wife of A1. Based on secret information, on 01.03.2024, A1 was identified and intercepted by officers of the Directorate of Revenue Intelligence (DRI), Madurai in a train arriving at Madurai Railway Station and 31.50 kilograms of narcotic substance, namely Methamphetamine, was recovered from him. Based on the information provided by A2 regarding the remaining contraband, a search was conducted at his residence; however, no recovery was made from the premises. Upon enquiry, the petitioner



CRL.OP (MD) No.7165 of 2025

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stated that she had earlier been in custody of two white boxes and had disposed of them in two different garbage bins. Following this information, one box was recovered from a garbage bin near her residence, which was found to be empty. The second box, which she had disposed of in a garbage bin on 6th Main Road near P6 Police Station, Kodungaiyur, was subsequently recovered from the Chennai Corporation Dump Yard, Kodungaiyur, and was found to contain 6,145 grams of Methamphetamine. Since the petitioner attempted to destroy evidence by discarding the Methamphetamine that was kept by A2 in his house, the respondent registered a case against her for the above-mentioned offences. Hence, the case.

4. Mr.J.Ramesh, the learned counsel for the petitioner, submitted that the petitioner is an innocent person and that she has not committed any offence as alleged by the prosecution. He further submitted that the petitioner was working as teacher in a School and has two children. She being the wife of A2, present case has been registered against her and there was no direct recovery from the petitioner. He further submitted that it is natural for a wife to be in frequent contact with her husband via mobile phone. Further, no previous case is pending against the petitioner and she is in judicial custody from 02.03.2024. He also submitted that the investigation has been completed and complaint has been filed in C.C.No.250 of 2024 before the learned Special Court for EC and NDPS Act Cases, Madurai. He



CRL.OP (MD) No.7165 of 2025

further submitted that the case has been posted on 15.05.2025 for execution of the
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Non-Bailable Warrant against A1 and, therefore, the trial is not likely to be completed within a short span of time. He also submitted that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court. Accordingly, he prayed to grant bail to the petitioner.

5. Per contra, Mr.Arul Vadivel @ Sekar, learned Special Public Prosecutor appearing for the respondent-officials, submitted that the respondent, after complying with the provisions of the Act and Rules, seized 37.645 kgs of Methamphetamine in this case, which constitutes a commercial quantity. He further submitted that the petitioner had knowledge of the contraband present in her premises. He further submitted that the petitioner has frequently texted with A1 and called him through whatsapp. He further submitted that the petitioner's mobile phone was seized and sent for forensic analysis, and the report received by the respondent revealed that the petitioner and A1 were frequently in contact. He further submitted that the petitioner was actively taking part in the illicit drug trafficking along with her husband (A2). The call detail records indicate that the petitioner had frequently contacted A1. He further submitted that the contraband weighing 6.145 kilograms was recovered and seized at her instance and in her presence under the Mahazar proceedings. He also submitted that the above facts



CRL.OP (MD) No.7165 of 2025

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would prove that the accused was involved in the conspiracy attracting Section 29 of the NDPS Act. Hence, rigors stated in Section 37 of the NDPS Act would be applicable to petitioner. Therefore, he vehemently opposed to grant bail to the petitioner, stating that if bail is granted, the petitioner may abscond and thereby delay the trial proceedings. Accordingly, he prays to dismiss the petition.

6. Heard on both sides. This Court has perused the records.

7. This the fifth bail application filed by the petitioner. The first bail application in CrI.O.P(MD).No.7005 of 2024 was dismissed on 02.07.2024. The relevant portions are extracted hereunder:

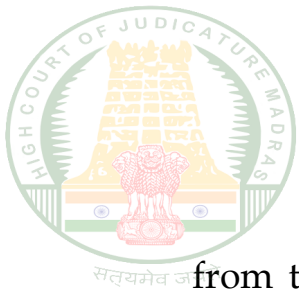
“5.Considering the facts and circumstances of the case and also considering the facts that the contraband involved in this case is a commercial quantity and the investigation is in crucial stage, this Court is not inclined to grant bail to the petitioner at this point of time.

6.Accordingly, this Criminal Original Petition is dismissed.

7.However, the petitioner is at liberty to agitate the matter before the trial Court after filing of charge sheet ”

7.1. The second bail application in CrI.O.P(MD).No.13226 of 2024 was dismissed on 27.08.2024. The relevant portions are extracted hereunder:

“4. Considering the fact that totally 31.5 kilograms of methamphetamine was recovered in the case, of which, through the petitioner / A2, who is the wife of A1, 6.145 kilograms was recovered



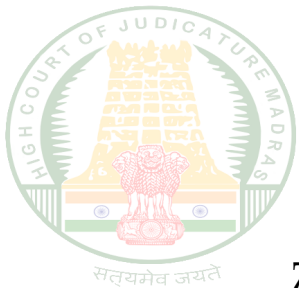
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from the garbage from where she had thrown the contraband after coming to know that her husband has been arrested, I am not inclined to enlarge the petitioner on bail.

5. Accordingly, this Criminal Original Petition is dismissed.”

7.2. The third bail application in Crl.O.P(MD).No.16445 of 2024 was dismissed on 27.09.2024. The relevant portions are extracted hereunder:

“6. This is not a case where the petitioner was arrayed as an accused merely on the basis of the co-accused's confession statement. Originally, the petitioner's husband was intercepted, and was found to be in possession of a huge quantity of 31 Kgs of Methamphetamine (50 Grams itself is the commercial quantity). Upon his arrest, when his house was sought to be searched, the petitioner was present in the house. However, nothing was found in the house. The petitioner is said to have confessed that she has packed the remaining contraband in two plastic bags and thrown them in the garbage. The petitioner led the respondents to the garbage bin. However, in the meanwhile, the garbage bin was lifted and the entire garbage had been sent to the dump yard. The petitioner accompanied the respondent police to the dump yard and identified the plastic bags, in which, she had stored 6.145 Kilograms of Methamphetamine and the said quantity itself is a huge quantity which was recovered from this petitioner only. Therefore, in this case it cannot be said that the petitioner is arrayed as an accused only on the confession of the co-accused.



CRL.OP (MD) No.7165 of 2025

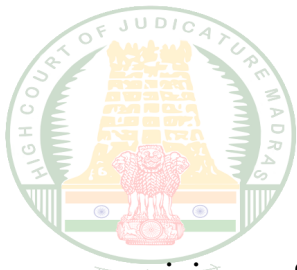
7. When the offence is serious crime as against the humanity, and when the petitioner along with the accused are involved in an offence under the NDPS Act of huge quantity of Methamphetamine, which can affect a large number of individual youth and children, the argument relating to the petitioner being female and that she had female children absolutely does not appeal to this court.

8. On the earlier occasion itself, the petitioner's bail petition was considered in detail and by an order, dated 27.08.2024, this Court had dismissed the said bail application. There is no change of circumstances to enlarge the petitioner on bail.

9. Accordingly, this Criminal Original Petition stands dismissed."

The fourth bail application in CrI.O.P(MD).No.20914 of 2024 was dismissed as withdrawn on 16.12.2024.

8. Since the contraband was recovered in pursuance of the statement given by the petitioner, there arises a statutory presumption of a culpable mental state under Section 35 of the NDPS Act. In view of this presumption, it is for the petitioner to rebut the same during the course of trial by proving that she had no such mental state in relation to the act constituting the offence. Further perusal of the materials available on record including the CDR details would show that the accused was involved in the conspiracy attracting Section 29 of the NDPS Act. It is also learnt that the contraband seized in the present case is of a commercial quantity under the



CRL.OP (MD) No.7165 of 2025

provisions of the NDPS Act. Hence, the rigors stated in Section 37 of the NDPS Act would be applicable to the present case. It is noted that the seizure mahazar was prepared in the presence of witnesses, and this Court does not find any procedural violation in the preparation of the seizure mahazar during the course of the seizure.

9. It is evident that there is no change in circumstances between the earlier bail applications and the present petition. Therefore, this Court is of the considered view that a successive bail application, in the absence of any change in circumstances, is not maintainable. In view of the above facts and circumstances of the case, the nature of the offence allegedly committed by the petitioner, the quantity of contraband involved in the case, which constitutes a commercial quantity and also considering the stage of the trial, this Court is not inclined to grant bail to the petitioner at this stage. To be noted, the above view is recorded only for the limited purpose of deciding the bail petition. The above view, in any way, would not cause prejudice to the rights of the petitioner to defend the case during the Trial.

10. In the result, this Criminal Original Petition is dismissed.

sd/-
08/05/2025

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/05/2025
Sub-Assistant Registrar (C.S.-I/ II /III/ IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



CRL.OP (MD) No.7165 of 2025

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TO
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1 THE SUPERINTENDENT,
CENTRAL PRISON FOR WOMEN, MADURAI.

2 THE INTELLIGENCE OFFICER, UNION OF INDIA,
DIRECTORATE OF REVENUE INTELLIGENCE,
NO.14,SARASWATHINATHI STREET,
MAHATMA GANDHI NAGAR, MADURAI- 625014.

3 THE SPECIAL PUBLIC PROSECUTOR MADURAI BENCH OF MADRAS HIGH
COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.7165 of 2025
Date :08/05/2025

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Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023