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Crl.O.P.Nos.8036 and 18087 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-02-2026

CORAM

THE HONOURABLE MR JUSTICE K. RAJASEKAR

CRL OP NOS.8036 and 18087 of 2025

Rafishah ... Petitioner in Crl.O.P.No.8036 of 2025/ A4
Shaikhe Fareed Pasha ... Petitioner in Crl.O.P.No.18087 of 2025/ A5

Vs

Union of India,
Through The Intelligence Officer,
Narcotics Control Bureau,
Chennai Zonal Unit, Chennai – 600 077.
(NCB F.No.48/1/16/2024/NCB/Madras)

... Respondent

Prayer in Crl.O.P.No.8036 of 2025: Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to grant bail to the petitioner/accused in C.C.No.45 of 2025 pending on the file of the learned Principal Special Court under EC and NDPS Act, Chennai.

Prayer in Crl.O.P.No.18087 of 2025: Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to grant bail to the petitioner/accused in C.C.No.45 of 2025 pending on the file of the learned II Additional Special Judge, NDPS Act, Chennai.

For Petitioner in Crl.O.P.No.8036 of 2025 : Mr. S. Kasirajan

For Petitioner in Crl.O.P.No.18087 of 2025 : Mr. T.S. Sasi Kumar

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

ORDER



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The petitioners/ Rafishah and Shaike Fareed Pasha were arrested and remanded to judicial custody on 09.11.2024 and 08.11.2024, respectively in C.C.No.45 of 2025 on the file of the II Additional Special Court for EC and NDPS Act Cases, Chennai, for the offences punishable under Section 8(c) r/w 22(c), 28 and 29 of NDPS Act, 1985, seek bail.

2. The case of the prosecution is that on 20.06.2024 at about 22:40 hours, based on a specific information, the officers of Narcotics Control Bureau, Chennai Zonal Unit went to new College Road Fly over, Royapettah, Chennai and intercepted a car bearing Registration No.TN-03-Z-8176, in which A1-Ramesh, A2-Abdul Gaffar and A3-Mohamed Noog Musharf were travelling; that after complying all the mandatory provisions of the Act, the said vehicle was searched and 2.700 kilograms of white crystal substance believed to be Amphetamine were seized from A1 to A3; that the seizure proceedings were concluded at about 02:10 hours on 21.06.2024; that thereafter A1 to A3 were summoned, they appeared before the NCB officer concerned and their voluntary statements were recorded under Section 67 of the NDPS Act on 21/22.06.2024 and subsequently, A1 to A3 were arrested on 22.06.2024 at 09:30 hours, 10:00 hours and 10:30 hours, respectively and remanded to judicial custody; that the statements recorded from A1 to A3



revealed that, the seized contraband was given to A2 by A4-Rafishah in Bangalore; that thereafter, surveillance was made regarding the movement of A4 and the respondent had identified A4, conducted preliminary enquiry with him and thereafter, A4 was directed to call A5-Shaike Fareed Pasha to come to A4's hotel; that on arrival of A5, both A4 and A5 were summoned and they were taken to NCB office and their statements under Section 67 of the NDPS Act were recorded, which revealed the involvement of them in the aforesaid offence; that thereafter, A4 and A5 were also arrested and remanded to judicial custody. Hence, this case.

3. The learned counsels appearing for the petitioners herein/ Rafishah (A4) and Shaike Fareed Pasha (A5) submitted that the petitioners have been falsely implicated in this case only based on the confession of the co-accused/ A1 and they are in judicial custody since November 2024; that there is no recovery effected from the petitioners herein and the respondent had failed to comply the mandatory procedures to be followed in the course of their arrest; that the petitioners have no previous cases under NDPS Act; that the investigation of the case is also completed and final report filed in C.C.No.45 of 2025; that the trial has not yet commenced and sought for bail to the petitioners.



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4. The learned Special Public Prosecutor appearing for the respondent while opposing the bail to the petitioners, reiterated the prosecution case; that the petitioners herein are arrayed as A4 and A5. He further submitted that upon investigation, it is revealed that the petitioners and other accused were all working together as a group for illegal trafficking of contraband; that the contraband seized from A1 to A3 is of commercial quantity and there are bank transactions, whatsapp screenshots, CDR details and other materials available to connect the petitioners/A4 and A5 in the offence, hence rigours of Section 37 of the NDPS Act is applicable to the case of the petitioners; and that the investigation of this case has been completed and final report filed in C.C.No.45 of 2025 pending trial on the file of the II Additional Special Court for EC and NDPS Act Cases, Chennai.

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

6. It is the case of the prosecution that, A4 had handed over 2.700 kilograms of contraband to A2 at Bangalore, which has been seized in this case; that further seizure of mobile phones of A4 and A5 and their whatsapp screen shots reveals that they were in close contact with other accused and they had actively participated in transportation of the seized contraband. The



Temporary Inner Line Permit recovered from A5 shows that, he had procured the contraband from Myanmar and brought it to Chennai in association with one Kamaruddin Shah. Further there are end to end encryption feature of whatsapp to establish the case that, the seized contraband was transported originally from Myanmar and thereafter, it was brought to Chennai. Further there are frequent phone calls made between A1, A2 and A4. The location wise analysis of the call details made between A4 and one Kamaruddin Shah and to various persons were also been recovered and all these details were also produced in the complaint by the prosecution.

7. All the above facts, clearly reveals that A4 and A5 were in constant touch with other accused, who were arrested with the contraband. Further, the location wise analysis were also done and the *prima facie* against the petitioners herein were established by producing the tower location of their respective phones, hence this Court is of the view that there are materials to link the petitioners herein with the seized contraband and also with the arrested accused.

K. RAJASEKAR, J.

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8. Considering the above aspects, this Court is of the view that the



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petitioners have failed to satisfy the twin condition contemplated under Section 37 of the NDPS Act, for the purpose of availing bail in this case, hence this Court is not inclined to grant bail to the petitioners.

9. Accordingly, these criminal original petitions stand dismissed.

**12.02.2026
(3/3)**

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To

1. The Intelligence Officer,
Narcotics Control Bureau,
Chennai Zonal Unit, Chennai – 600 077.
(NCB F.No.48/1/16/2024/NCB/Madras)
2. The Public Prosecutor,
High Court of Madras.

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