



WEB COPY

CRL OP No. 3142 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-03-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 3142 of 2026

Poongodhai

..Petitioner

Vs

State Rep. By
The Intelligence Officer
Narcotics Control Bureau,
2nd Main Road, 3rd Avenue,
Ayyapakkam, Chennai-600 077

..Respondent

Prayer: Criminal Original Petition filed under section 483 of BNSS Act to enlarge the 3rd Accused /Petitioner on bail in CC.No.489 of 2025 on the file of the II Additional Special Court for Exclusive Trial of Cases under EC and NDPS Act, Chennai

For Petitioner: Mr.S.Kasirajan

For Respondent: Mr.N.P.Kumar
Special Public Prosecutor

ORDER

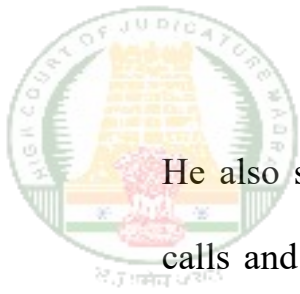
The petitioner, who was arrested and remanded to judicial custody on 27.09.2024 for the alleged offence under Sections 8(c) read with 20(b)(ii)(C), 28 and 29 of Narcotic Drug and Psychotropic Substances Act, 1985 in R.R.No.45 of 2024 on the file of the respondent, seeks bail.



2. The case of the prosecution is alleged is that the petitioner along with other accused were transporting 50 kg of ganja. Hence, this case.

3. The learned counsel for the petitioner submitted that the petitioner has been remanded in judicial custody on 27.09.2024 and there was no recovery from this petitioner and what was recovered is only from A1 and A2 and the recovery is 50 kg. It is the submission of the learned counsel that the petitioner was arrested only based on the confession statement of the other accused. The learned counsel relied upon the CDR entries and certain money transactions. Even in the complaint copy, there is reference that though there is Bank account maintained in the name of Poongodhai/petitioner, it did not have any balance. He also submitted that the phone number of Poongodhai/Petitioner is different from the one mentioned in the counter statement. Hence, he prays for grant of bail to the Petitioner.

4. At this juncture, the learned Special Public Prosecutor vehemently opposed the bail application on the ground that the petitioner is a convict in a connected case and now that she is on bail granted by the Hon'ble Supreme Court. During the bail period, she has involved in similar offence. He also strenuously submitted that at the time of smuggling of contraband, there was constant telephonic conversation between the petitioner as well as A1 and A2.



He also submitted that at this relevant point of time, there were 11 incoming calls and 28 outgoing calls and also there were SMS between them and there was money transaction between the A1, A2 and this Accused. Hence, he opposed to grant bail to the petitioner.

5. I have given my anxious consideration to either side submissions and perused the materials available on record.

6. From the submissions made by the learned counsel on either side, there is no certain money transactions and CDR details. As held by the Hon'ble Supreme Court in the case of *Narcotics Control Bureau vs. Mohit Aggarwal* reported in *(2022) 18 Supreme Court Cases 374*, the CDR and money transaction is also a factor to be considered while considering the bail application. In this case, according to the prosecution, there was phone conversation and in this regard, they are relying upon CDR and also submitted there was some money transaction. Though the petitioner is disputing such things, it is not an appropriate stage to go into all these aspect during bail proceedings and further the CDR details as well as the money transfer is also a factor to be considered while considering the bail application. while looking at the factual position, this is a commercial quantity but to overcome rigour under section 37 of the NDPS Act, this Court could not find any material. Apart from that the learned Special Public Prosecutor also submitted that there is no change



in circumstances from the dismissal of the earlier application and this application is the 5th application. The very factum of existence of previous case

is also a factor to be considered at the time of considering the bail application.

Hence, apart from other ground, on the score of previous case also, this bail application is liable to be dismissed. Hence, this Court is not inclined to

enlarge the petitioner on bail. This Criminal Original Petition is dismissed.

25-03-2026

SHL

To:

1. The II Additional Special Court for Exclusive Trial of
Cases under EC and NDPS Act, Chennai

2. The Intelligence Officer
Narcotics Control Bureau,
2nd Main Road, 3rd Avenue,
Ayyapakkam, Chennai-600 077

3. The Public Prosecutor
High Court of Madras



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C.KUMARAPPAN J.

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