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Crl.OP.No656 of 2026



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.02.2026

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THE HONOURABLE MR JUSTICE **K.RAJASEKAR**

Crl.O.P.No.656 of 2026

Uma Maheswari

... Petitioner

Vs.

Union, Rep by
Superintendent of Customs,
RSI-AIR, New Custom House,
Meenambakkam, Chennai-600 027.
(R.R.No.40 of 2021)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in
CC.No.224 of 2022 on the file of the Principal Special Judge, Special Court
under EC & NDPS Act, Chennai.

For Petitioner : Mr.M.G.Martin Manivannan

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

**ORDER**

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The petitioner, who was arrested and remanded to judicial custody on 09.12.2021, for the alleged offence punishable under Sections 8(c), r/w Section 20(b)(ii)(C), 22(C), 23, 28 and 29 of NDPS Act, 1985 CC.No.224 of 2022 on the file of the Principal Special Judge, Special Court under EC & NDPS Act, Chennai in connection with R.R.No.40 of 2021, on the file of the respondent police, seeks bail.

2(i). The prosecution alleges that the petitioner has arrived at Chennai International Airport Departure Terminal on 08.12.2021 at 23.00 hours to board INDIGO Airlines Flight No.6E 1207 on 09.12.2021 at 01.10 hours bound to Colombo from Chennai. On specific information that the petitioner herein holder of Indian Passport No.U2971217 dated 18.11.2020, is suspected to carry some drugs/narcotics which is prohibited for export under the provisions of the NDPS Act, 1985 r/w Customs Act, 1962 either in his baggage or on her person, the petitioner was intercepted by an Officer of Air Intelligence Unit, Chennai Customs, Anna International Airport, Chennai when she was proceeding to security hold area after clearing immigration in the Departure Terminal of the Anna International Airport, without declaring anything to customs.



2(ii) It is further alleged that the petitioner was asked to produce her travel documents to which she produced her boarding pass viz., Indigo Airlines 6E1207 (Chennai to Colombo) bearing Seat No.29A and name BABUKUMAR/UMAMAHESHW'. That the check-in-luggage with baggage tag no.6E0312679149 and another bag bearing baggage tag No.6E0312679148 of the petitioner were called through Indigo Airlines staff and the petitioner was offloaded along with her above mentioned baggage and was brought to the AIU room situated in the arrival hall of Anna International Airport, Chennai for thorough examination of her baggage and search of her person, along with mahazar witnesses. Before the examination of the baggage and search of person, Section 50 of the NDPS Act and the provisions of Section 102 of Customs Act, 1962 was explained to her. However, on noticing that the petitioner to be nervous, on persistent questioning by the Officer, the petitioner had accepted to concealing narcotics wrapped in adhesive tapes in her rectum and that she agreed to voluntarily eject the same. Thereafter, the petitioner was taken to the toilet along with the witnesses and she voluntarily ejected two bundles wrapped with adhesive tapes and washed it by her and the same were handed over to the officer. The petitioner and the independent witnesses were taken back to AIU room for further proceedings.



2(iii) It is further alleged that the recovered two bundles were cut opened and found to contain identical white colour crystalline substance in them. Then the Officer tested the said substance from each bundle with the Narcotic Drugs Detection Kit and the substance from each bundle tested positive for MDP2P (3,4,Methylenedioxyphenyl-2 propane) a Narcotic Drug covered under the NDPS Act, 1985, the recovered substance was weighed and it was found to be totally weighing 99 grams. The Officers then took two representative samples of 5 grams each and was wax sealed with Customs Seal No.1095. Then the officers weighted the remaining substance weighing 89 grams, the petitioner the witnesses and the seizing officer appended their dated signature on all the sealed covers and on the seized travel documents which were seized under the provisions of the NDPS Act r/w Customs Act, under the mahazar, which led to the registration of an FIR. Hence, the present case.

3. After recovery, the petitioner was examined under Section 67 of NDPS Act, 1985 r/w Section 109 of Customs Act. The petitioner was also appeared and the statement given by her that she joining hands with other three accused involved in carrying each 99 grams of Methamphetamine from Colombo to Chennai. Hence, all the petitioner and three other family members were arrested.



4. When the matter is taken up for hearing, the learned counsel for the petitioner submitted that four persons travelling in the flight, each were carrying 99 grams of white colour crystalline substance methamphetamine Hydrochloride and she is in custody from 09.12.2021. After considering the prolonged incarceration, the Apex Court has granted bail to one of the co-accused namely Arunkumar Babukumar in Special Leave to Appeal (Crl) No.8883 of 2025 vide order dated 29.07.2025. While granting bail, the Apex Court observed as follows:

“ 2.After hearing learned counsel for the petitioner, taking note of the period of incarceration which is more than three and a half years and still summons were issued to PW-6 and PW7 for examination on 08.08.2025, as such, the trial may take some time to conclude, however, without expressing any opinion on the merits of the case, we are inclined release the petitioner on bail.....”

5. Subsequently, one another co-accused namely Reinamary Chellamani who is also similarly placed coaccused also been granted bail by the Hon'ble Apex Court in SLP.(Crl)No.18886 of 2025 vide order dated 05.02.2026, has observed as follows:



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“ The amount of contraband substance allegedly seized from the person of the appellant, Reginamary Chellamani, is stated to be above the commercial quantity prescribed in that regard under the aforesaid enactment. We, however, find that the appellant, Reginamary Chellamani, has been in custody for four years 1 month and 28 days as on date.

Given the length of incarceration that the appellant has already suffered and as an identically situated accused person, who was travelling along with the appellant, Reginamary Chellamani, on the same flight, has been granted bail by this Court, we are inclined to grant the same relief to the appellant at this stage.....”.

He further submitted the petitioner is also similarly placed and she is ready to co-operate with the investigation and also ready and willing to abide by any conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

6. The learned Special Public Prosecutor appearing for the respondent police reiterated the prosecution case and reported that in this case almost all the witnesses were examined and pending for cross examination from the



petitioner's side and there is no delay on the part of the prosecution side in proceeding with the trial. He further submitted that all the legal requirements and the mandatory provisions have been properly complied with. Hence, there is no violation of mandatory provisions and there is no valid ground for granting bail. Hence, he opposed for grant of bail to the petitioner.

7. I have also considered the submissions made by the learned Special Public Prosecutor and perused the orders of Apex Court. In the recent order of Apex Court Spl.(Crl)No.18886 of 2025 dated 05.02.2026, the Apex Court considered the case elaborately and observed that the petitioner therein namely Reginamary Chellamani is also entitled for bail, since one of the co-accused who was identically situated person who was travelling along with the petitioner therein has been granted bail. This petitioner herein is also identically similar person who was travelled along with the other co-accused, Hence, on the ground of parity and also considering the very same ground, I am inclined to grant bail to the petitioner, subject to certain conditions.

8. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with **two sureties**, for a like sum to the satisfaction of the learned **Principal Special Judge, Special Court for EC and NDPS Act** and on



further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure their identity;

[b] the petitioner shall report before the trial Court daily at 10.30 a.m until further orders;

[c] the petitioner shall surrender his passport before the concerned trial Court

[d] the petitioner shall co-operate with the trial and shall not take unnecessary adjournment;

[e] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)13 SCC 283]**;

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

11.02.2026

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Note :

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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 Principal Special Judge, Special Court for EC and NDPS Act
2. The Superintendent of Customs,
RSI-AIR, New Custom House,
Meenambakkam, Chennai-600 027.
3. The Central Women Prison, Puzhal
4. The Public Prosecutor,
High Court of Madras.



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