

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.08.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No. 11646 of 2020

V.Kottaisamy, (Male/50),

S/o.Veeru Kutty Devan,

Door No-87/2, Pathrakaliyamman Kovil Street,

Cumbam, Theni - District.

... Petitioner/1st Accused

vs.

The Inspector of Police,

Narcotic Intelligence Bureau - CID,

Chennai.

(Crime No. 80 of 2019)

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in C.C.No. 189 of 2019, pending on the file of the Principle Special Court under EC and NDPS act at Chennai.

For Petitioner : Mr.R.Subhadra Devi

For Respondent : Mr.T.Shunmugarajeswaran

Government Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 21.07.2019, for the offences punishable under Sections 8 (c) read with 20(b)(ii)(c), 25 and 29(1) of the Narcotics Drugs and Psychotropic Substances Act 1985, in Crime No. 80 of 2019, on the file of the respondent police, seeks bail.

2 The case of the prosecution is that the petitioner along with other accused were found in illegal possession of 40 kgs of Ganga and they were remanded to the judicial custody on 21.07.2019.

3 The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case, on the confession of the co-accused. He would submit that the petitioner was earlier detained under Act 14, 1982 and HCP.No.34/2020 filed by him was allowed on 23.06.2020, detention order has been set aside. He would submit that the petitioner was in custody for more than one year. Hence, he prays to grant bail to the petitioner.

4 The learned Government Advocate appearing for the respondent would submit that the investigation has been completed and

final report has been filed in this matter. He would submit that the petitioner along with other accused were found in possession of 40 kgs of Ganga, which is a commercial quantity. He would submit that there are only eight witnesses and if time frame is fixed respondents will be ready to get along with the trial.

5 Taking into consideration the nature of offence and the submissions made by the learned Government Advocate, this Court is not inclined to grant bail to the petitioner.

6 However, direction is given to the learned Trial Judge to complete the trial as expeditiously as possible, preferably within a period of six months from the date of lifting of lock down or resumption of the Courts normal functioning, whichever is earlier.

7 With the above observation, this Criminal Original Petition stands dismissed.

-sd/-

24/08/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE PRINCIPAL SPECIAL COURT
UNDER EC AND NDPS ACT AT CHENNAI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI, -II,

4 THE INSPECTOR OF POLICE,
NARCOTIC INTELLIGENCE
BUREAU CID, CHENNAI.

CC to M/S. R.SUBHADRA DEVI Advocate on payment of necessary charges

CRL OP.11646/2020

Date :24/08/2020

RD 07/09/2020