

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No. 15912 of 2020

Nishanth Ryan

... Petitioner

Vs.

The Inspector of Police
NIB-CID
Chennai.
(Crime No.8/2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the Petitioner on Bail in **Crime No. 8 of 2020** on the file of the NIB-CID, Chennai.

For Petitioner : Mr.J.William Shakesphere

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (CrI. Side)

ORDER

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to the judicial custody on 22.02.2020 for the alleged offences punishable under sections 8(c), 22(c), 20(b)(ii)(B), 25 and 29 of the Narcotic Drugs and Psychotropic Substance Act, 1985 in Crime No.8 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 22.02.2020 based on a secret information, when the respondent police conducted a search, they found that the petitioner along with other accused was transporting drugs viz., MDMA, Metamorphine and LS tablets and 2.5 KG cannabis (Ganja) and the same was seized from the second accused. Hence, a case in Crime No.8 of 2020 has been registered and the petitioner was remanded to judicial custody on the same day.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would submit that the petitioner is in custody for more than 220 days. He would further submit that this is the second bail application and his earlier bail application was dismissed by this Court vide order dated 12.08.2020 in

Crl.O.P.No.11728 of 2020. Hence, he prays to grant bail to the petitioner.

4.Per contra, the learned Government Advocate (Crl.Side) appearing for the respondent would submit that the quantum of contraband involved in this case is a commercial quantity and he has been involving in the business of supplying drugs to the college and university students. He would further submit that since the quantity of contraband involved in this case is a commercial quantity, Section 37 of NDPS Act will be attracted and the petitioner had not made out a case for grant of bail. He would further submit that the earlier bail applications filed by the co-accused in Crl.O.P.Nos.11340 and 11548 of 2020 were dismissed by order dated 29.07.2020, 03.08.2020 respectively. He would further submit that charge sheet has been filed and C.C.No.92 of 2020 has been taken on file and the case stands posted on 15.10.2020. He would further submit that there are only seven (7) witnesses in this case and the respondent will be able to complete the trial if any time frame is fixed by this Court. He would further reiterate the contraband is a commercial quantity and vehemently opposed for the grant of bail to the petitioner.

5.Taking into account the nature offence and the fact that the contraband involved in this case is a commercial quantity and also taking into consideration of the fact that charge sheet has been laid and there are only seven witnesses in this case and the case also stands posted on 15.10.2020, this Court is not inclined to grant bail to the petitioner. However, a direction is issued to the Trial Court to complete the trial as expeditiously as possible, preferably, within a period of six months from 15.10.2020.

6.With the above direction, this Criminal Original Petition stands dismissed.

-sd/-
08/10/2020

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 SESSIONS JUDGE
UNDER EC & NDPS ACT COURT, CHENNAI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
NIB-CID,
CHENNAI.

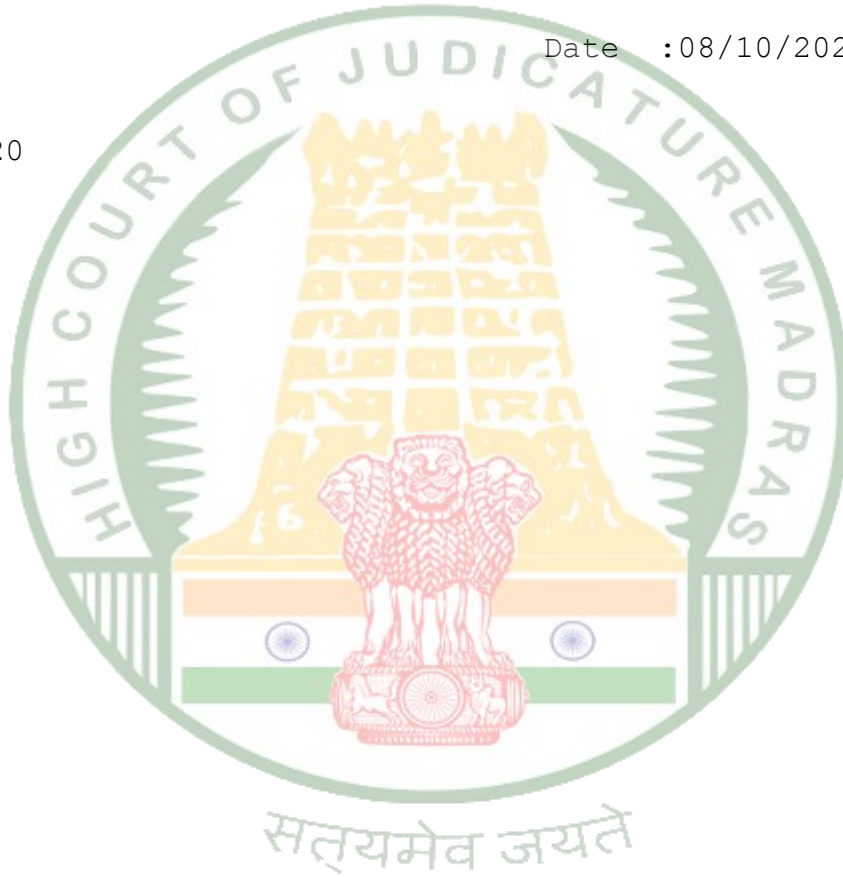
4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

+1 CC to M/S.J.WILLIAM SHAKESPHERE Advocate on payment of
necessary charges SR.NO.6785

CRL OP.15912/2020

Date :08/10/2020

TA-13/10/2020



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