

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No. 15973 of 2020

Vasanth Kumar

... Petitioner/1st Accused

Vs.

The State represented by,
The Inspector of Police,
NIB CID, Chennai.
(Crime No. 8 of 2020)

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in Crime No. 8 of 2020, on the file of the respondent police.

For Petitioner : Mr.S.Senthilvel

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 judicial custody on 22.02.2020 for the offences punishable under Sections 8 (c), 22(c), r/w 20(b) (ii) (B), 25, 29(1) of NDPS Act, 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, the respondent police 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 this is the second application for bail and that the earlier application for bail was dismissed by this Court in CrI.O.P.No.11548 of 2020, dated 03.08.2020. He would submit that the petitioner is in custody for 68 days as on today. 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 quantity of contraband involved in this case is commercial quantity and that the petitioner has involved in the business of selling drugs to the college students. He would further submit that since the quantity of contraband in this case is commercial, Section 37(a) of NDPS Act will be attracted. He would further submit that the bail application in respect of the co-accused has come up before this Court in Crl.O.P.No.15912 of 2020, was dismissed on 08.10.2020, with a direction to the Trial Court to complete the trial as expeditiously as possible, preferably, within a period of six months from 15.10.2020. Hence, he opposed to grant bail to the petitioner.

5 Taking into account the nature of the offence and considering the fact that the contraband involved in this case is in commercial quantity, this Court is not inclined to grant bail to the petitioner. However, this Court had earlier in the case of co-accused in Crl.O.P.No.15912 of 2020, dated 08.10.2020, directed the trial Court to complete the trial within the stipulated period of time, 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**, as directed for the co-accused in the very same Crime No. 8 of 2020.

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

-sd/-

09/10/2020

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, AT CHENNAI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE SUPERINTENDENT,
CENTRAL PRISON II, CHENNAI.

4 THE INSPECTOR OF POLICE,
NIB CID
CHENNAI

CC to M/S. S.SENTHILVEL Advocate on payment of necessary charges

CRL OP.15973/2020

Date :09/10/2020

TA-22/10/2020



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