

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No. 16088 of 2020

Jahurul Islam @ Jeherul Islam

... Petitioner/2nd Accused

Vs.

The State represented by,
The Inspector of Police,
NIB CID, Chennai.
Crime No.106 of 2019

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in Crime No. 106 of 2019, on the file of the respondent police.

For Petitioner : Mr.M.P.Saravanan

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 25.10.2019 for the offences punishable under Sections 8 (c), 20(b)(ii)(c), 25 and 29(1) of NDPS Act in Crime No.106 of 2019, on the file of the respondent police, seeks bail.

2 The case of the prosecution is that on 25.10.2019, at about 15 hours, the respondent police has received a secret information from one police informer that two persons were in possession of Ganja for selling purpose. Therefore, the respondent police went to Central Wall Tax Road, Chennai and on identification by the informer, the petitioner along with other accused was arrested and both the accused were found to be in possession of 25 kgs of Ganja.

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. He would submit that as far as the petitioner is concerned, only 10 kgs of Ganja has been recovered from him and that it is not a commercial quantity. He would submit that apart from this case, there is no other previous case pending against the petitioner. Hence, he prays to grant bail to the petitioner.

4 The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner and the other accused are residents of Assam and they had come all the way from Assam with 25 kgs of Ganja. He would submit that the case of the petitioner cannot be culled out because both of them travelled all the way from

the Assam and both of them are aware that the other person was carrying contraband and when both the contraband were weighed together, it amounts to commercial quantity. He would further submit that the petitioner and the other accused are from Assam and if bail is granted to the petitioner, there is every possibility of the petitioner getting absconded. He would further submit that the investigation has been completed and final report has also been filed and the case has been taken on file in C.C.No. 65 of 2020 for trial. He would submit that there are six witnesses in this case and that if a direction is given to the respondent, they will be able to complete the trial as expeditiously as possible, preferably within a period of six months from today.

5 Taking into consideration the facts and submissions made by the learned counsels and also considering the fact that the contraband involved in this case is commercial quantity, this Court is not inclined to grant bail to the petitioner, however, a direction is issued to the learned Trial Judge to complete the trial in C.C.No. 65 of 2020, as expeditiously as possible, preferably within a period of four months from the date of receipt of a copy of this order.

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 XVI METROPOLITAN MAGISTRATE,
G.T.COURT, CHENNAI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI, CHENNAI

4 INSPECTOR OF POLICE
NIB CID, CHENNAI.

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

CRL OP.16088/2020

Date :09/10/2020

RVR 15/10/2020