

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.10.2020

CORAM

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Cr1.O.P.No.16972 of 2020

Afsar Ali

... Petitioner/A2

Versus

State: Inspector of Police,
NIB CID,
Chennai.

(Crime No.109 of 2019

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in Crime No.109 of 2019 on the file of the respondent police.

For Petitioner : Mr.M.P.Saravanan

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Cr1.Side)

O R D E R

(This Case has been heard through Video Conferencing)

The petitioner who was arrested and remanded to judicial custody on 04.11.2019 for the offences publishable under Sections 8 (c) read with Section 20 (b) (ii) (c), 25 and 29(1) of NDPS Act, in Crime No.109 of 2019 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant is that on the date of occurrence, when the respondent police were on their usual rounds, the petitioner was found in possession of 24 Kgs of Ganja in two shoulder bags. Hence the complaint.

3. The learned Counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and a false case has been foisted against him. He would submit that though the petitioner's name was mentioned in the FIR, the said Ganja was recovered only from A1 and not from the petitioner/A2 herein. He

would submit that the petitioner is in custody for the past 11 months from 04.11.2019 and he is ready and willing to abide by any stringent conditions that may be imposed by this Court. Hence he prays to grant bail to the petitioner.

4. The learned Government Advocate (Crl. Side)/APP appearing for the respondent police would submit that there are totally two accused in this case and the petitioner is arrayed as A2 and that he was illegally found in possession of 24 Kgs of Ganja which is a commercial quantity. He would submit that the investigation has been completed and charge sheet has also been filed and the same has been taken on file in C.C.No.41 of 2020 and it is pending before the Principle Special Court under EC & NDPS Act, Chennai. He would further submit that the petitioner belongs to the State of Uttar Pradesh and if he is released on bail, there is every possibility that he would tamper the evidences and witnesses and he may not be available during trial. Hence, he vehemently opposed to grant bail to the petitioner.

5. Heard the learned counsels and perused the materials placed on record.

6. Taking into consideration that the petitioner belongs to the State of Uttar Pradesh and the case is pending in C.C.No.41 of 2020, before the Principle Special Court under EC & NDPS Act, Chennai, this Court is not inclined to grant bail to the petitioner.

7. However, this Court directs the learned Principle Special Court, under EC & NDPS Act, Chennai, to frame the charges if not already framed and complete the trial in C.C.No.41 of 2020 within a period of 4 months from the date on which the copy of this order is made ready.

8. With this above direction, this Criminal Original petition stands disposed of.

-sd/-

22/10/2020

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 METROPOLITAN MAGISTRATE NO.XVI,
GEORGE TOWN COURT, CHENNAI.

2 THE PRINCIPLE SPECIAL COURT,
UNDER EC & NDPS ACT, CHENNAI.

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL,
CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

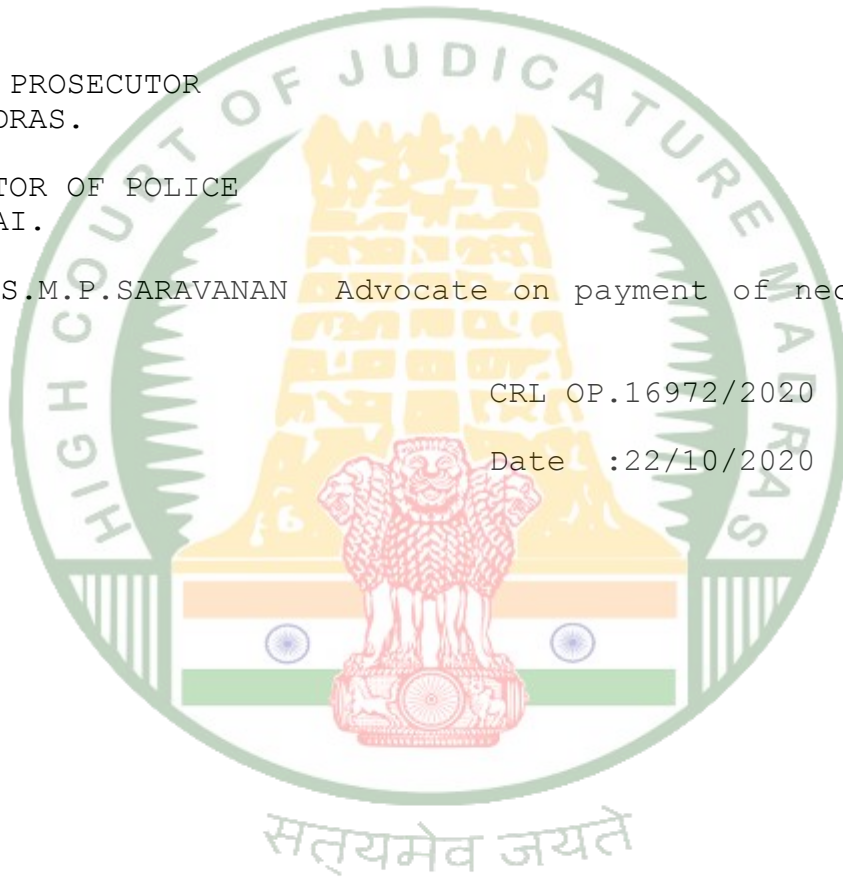
5 THE INSPECTOR OF POLICE
NIB CID, CHENNAI.

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

CRL OP.16972/2020

Date :22/10/2020

MK:02/11/2020



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