

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Seventeenth day of December Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice C.V. KARTHIKEYAN

CRIMINAL ORIGINAL PETITION No.17605 of 2020

SUSHANTH

[PETITIONER / ACCUSED]

Vs

STATE REP.BY

[RESPONDENT]

INSPECTOR OF POLICE,
NIB CID POLICE STATION,
COIMBATORE DISTRICT.
CR.NO.144 OF 2019.

For Petitioner : M/S. T.NIXON Advocate

For Respondent : M/S. SARATHA DEVI.V, Govt. Advocate (Crl. Side)

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner is the second accused in Crime No.144 of 2019 on the file of the respondent Police which had been registered for the offences under Section 8(c) r/w 20(b)(ii)(C) of NDPS Act. The petitioner had been taken into custody on 11.09.2019 and was remanded on 12.09.2019. The charge sheet had been filed in the case on 20.12.2019.

2. The learned counsel for the petitioner pointed out the long period of incarceration particularly from September 2019 till date for 14 months and stated that the trial has not even commenced and that the petitioner is innocent of the charges and therefore, sought bail.

3. It is also stated by the learned counsel that the petitioner does not have any previous cases of similar nature. The learned counsel also questioned the seizure of alleged contraband which was 11.500 grams of Ganja. The petitioner had come up seeking consideration on two earlier occasions and the bail petitions were dismissed.

4. This is the third application filed by the petitioner herein. This matter had been also been posted on several hearing dates calling upon the respondent / prosecution to file a counter indicating the progress of trial. In the counter, it had been stated there are seven list witnesses and that if directions are given the prosecution will make every endeavour to complete the trial.

5. The learned Government Advocate on the Criminal Side also filed an additional counter with respect to proceedings on the hearing dates 04.12.2020, 08.12.2020 and 11.12.2020. It was stated on 11.12.2020 the first accused was produced but the present petitioner / second accused was not produced in the Court since he had been admitted in Government Hospital in Coimbatore. The witnesses could not be examined. The petitioner had been discharged by the Hospital Authorities in the evening on 11.12.2020. The matter was then adjourned to 18.12.2020.

6. The Deputy Superintendent of Police, NIB CID, Coimbatore who had signed the additional counter affidavit specifically stated that the prosecution is ready to produce the witnesses and to help the Court to dispose the case in a very short period without any deviation.

7. The learned counsels for the accused should be prepared to cross examine the witnesses on the very same date when they are examined or at the earliest, within the next hearing date.

8. So far as the facts are concerned, it is seen that the petitioner herein, has been charged with possession of 11.500 grams of Ganja. It has been seized from a separate bag. Grounds have been taken with respect to Sections 42, 50, 55 and 57 of NDPS Act. But, since the trial is to be conducted, it may not be appropriate to examine those provisions. I can only state that the contraband was seized not from the person of the accused but from a bag. The seizure has been justified by the prosecution. The contraband is also commercial in quantity.

9. In view of these reasons and particularly in view of Section 37 of the NDPS Act, I am not inclined to grant bail. Directions are issued to the learned Additional Sessions Court (EC Court) at Coimbatore, since only seven witnesses are to be examined and if the learned counsels for the accused co-operate, to bestow personal attention and endeavour to complete the trial in the present case preferably on or before 28.12.2020.

10. With the above directions, this Criminal Original Petition is dismissed.

-sd/-

17/12/2020

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 ADDITIONAL DISTRICT AND
SPECIAL COURT TRIAL OF CASES UNDER THE EC
ACT JUDGE AT COIMBATORE.

2 THE ADDITIONAL SESSIONS COURT
(EC COURT) AT COIMBATORE.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 INSPECTOR OF POLICE,
NIB CID POLICE STATION,
COIMBATORE DISTRICT.

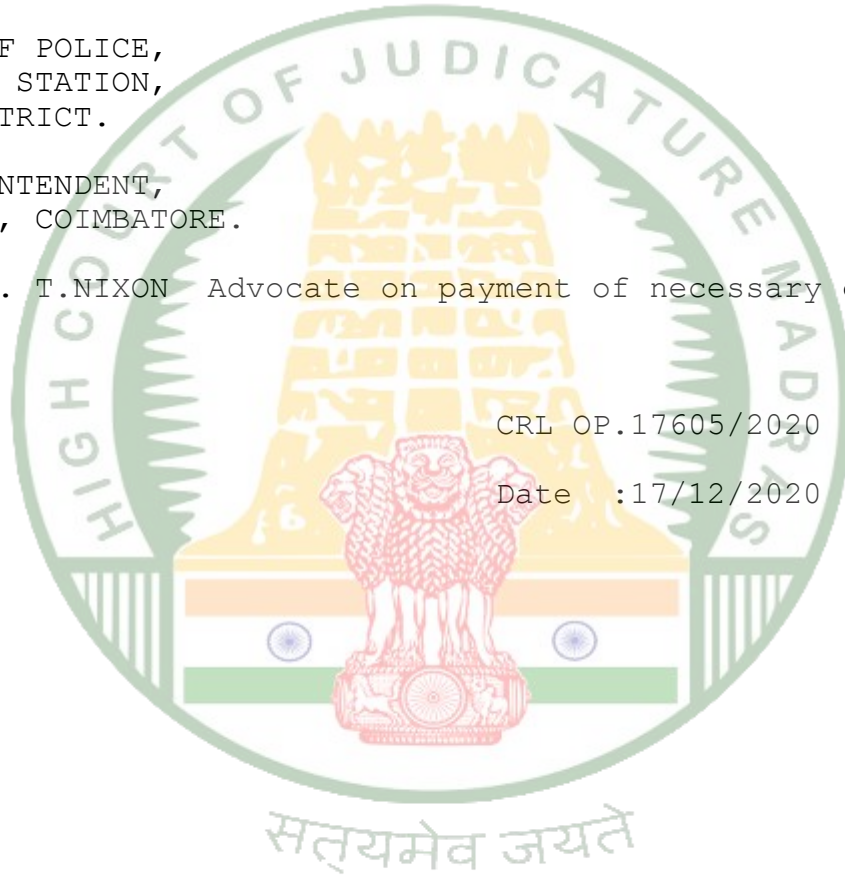
5 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

CC to M/S. T.NIXON Advocate on payment of necessary charges
SR.8425

CRL OP.17605/2020

Date :17/12/2020

RVR 21/12/2020



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