

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.12.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No. 19309 of 2020

Balachandar

... Petitioner

Vs.

State Rep. By

The Inspector of Police,
NIB-CID Police Station,
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.K.Kaviarasu

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(1) 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 280 days. 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 the same has been taken on file in C.C.No.92 of 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 of offence and the fact that the contraband involved in this case is a commercial quantity and also taking into consideration the fact that the charge sheet has been laid, 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 the date of receipt of a copy of this order.

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

-sd/-
08/12/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

सत्यमेव जयते

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

WEB COPY

TO

1 THE PRINCIPAL SESSIONS JUDGE UNDER
EC & NDPS ACT COURT, CHENNAI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI.

4 THE INSPECTOR OF POLICE,
NIBCID POLICE STATION,
CHENNAI.

+1 CC to M/S.K.KAVIARASU Advocate on payment of necessary
charges SR.NO.8054

CRL OP.19309/2020

Date :08/12/2020

TA-10/12/2020



WEB COPY