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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

Crl.O.P.No. 2869 of 2022

P.Kiran Kumar

...Petitioner/Accused -4

Vs

State by

The Intelligence Officer

Narcotic Control Bureau

Chennai Zonal Unit

Chennai - 600 077.

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C, praying to enlarge the petitioner on bail pending trial in C.C.No. 146 of 2019 on the file of the Principal Sessions Judge, EC and NDPS Act, Chennai, in R.R.No. 4 of 2019 in NCB F.No. 48/1/4/2019-NCB/MDS 929 on the file of the respondent.

For Petitioner : Mr. K.Sivakumar

For Respondent : Mr. N.P.Kumar
Special Public Prosecutor
For NCB Cases

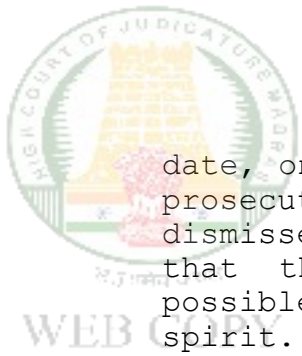
ORDER

The fourth accused in C.C.No. 146 of 2019 pending on the file of the Principal Sessions Judge, EC and NDPS Act, Chennai, seeks bail.

2. This is not the first application seeking bail.

3. I had heard similar bail application earlier in Crl.O.P.No. 19359 of 2020 and after hearing both the learned counsels, had passed an order dismissing the said application on 22.12.2020. There were also two earlier applications seeking bail which were also dismissed.

4. The learned counsel for the petitioner Mr. K.Sivakumar, stated that the petitioner herein has been in incarceration for more than two years and the progress of the trial had been exceedingly slow. It is complained that as on



date, only four witnesses had been examined on the side of the prosecution and even though when the bail application was dismissed on the earlier occasion, this Court had directed that the trial should be completed as expeditiously as possible, such direction had not been followed in letter and spirit.

5. It is stated that the counsels for all the accused are cross examining the witnesses immediately after the chief examination has been recorded and application seeking to defer cross examination has also not been filed.

6. It is also represented by Mr. K.Sivakumar, so far as this particular petitioner/A-4 is concerned, since there is no recovery, no witnesses on the side of the prosecution speak about the offences being committed by this petitioner. It is only the Investigating Officer, who is a crucial witness. It is also stated that only based on the confession of the co-accused, was this petitioner taken into custody.

7. Mr. N.P.Kumar, learned Special Public Prosecutor appearing on behalf of the respondent however stated that owing to the Covid-19 pandemic, trial could not proceed and moreover, the Presiding Officer had also taken unforeseen period of leave and therefore, the trial could not proceed in its normal manner.

8. The learned Special Public Prosecutor however very strongly opposed to grant of bail stating that materials are available to establish the offence and the charges against the petitioner herein. It is also stated by the learned Special Public Prosecutor that from the date of the earlier dismissal of the bail application that has been no special change in circumstances warranting consideration of grant of bail.

9. Having heard the learned counsels, I must state that the petitioner, who had been taken into custody by the respondent on 13.07.2019 for alleged offences under Sections 8 (c) read with Section 20(B)(ii)(c), 27(A), 28 and 29 of the NDPS Act had been remanded to judicial custody even as on 23.11.2020. He has been in custody for 498 days and as on date, he has been in custody for a month short of 1,000 days.

10. The specific charge against the petitioner relates to the transfer of a sum of Rs.1,20,000/- to one Vantala Krishna and it is complained that the said Vantala Krishna possessed the contraband. Since the trial is on going, let me not examine the application on merits but rather, give a direction to dispose of C.C.No.146 of 2019 on or before 15.06.2022. The Special Judge, NDPS Court may bestow attention and endeavour to dispose of aforementioned calendar case within the stipulated time.



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11. With the above observation, this Criminal Original Petition stands dismissed.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

vsg

To

- 1.The Principal Sessions Court,
EC and NDPS Act, Chennai.
- 2.The Special Judge,
NDPS Court, Chennai.
- 3.The Intelligence Officer
Narcotic Control Bureau
Chennai Zonal Unit
Chennai - 600 077.
- 4.The Special Public Prosecutor for NCB Cases
High Court, Madras.
- 5.The Superintendent,
Central Prison, Puzhal,
Chennai.

Crl.O.P.No. 2869 of 2022

PMK (CO)
PR (31/03/2022)