



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Tuesday, the Seventh day of June Two Thousand Twenty Two

WEB COPY

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN
CRIMINAL ORIGINAL PETITION No.5543 of 2022

IN

C.C.NO.146 OF 2019

(On the file of the Principal Special Judge for E.C and N.D.P.S.Act
Cases, Chennai)

A.MUMTAZ HUSSAIN

[PETITIONER / ACCUSED]

Vs

UNION OF INDIA REP.BY
THE INTELLIGENCE OFFICER,
NARCOTIC CONTROL BUREAU,
CHENNAI ZONAL UNIT,
CHENNAI.

[RESPONDENT]

For Petitioner : M/S. D.MARIO JOHNSON Advocate

For Respondent : M/S N.P.KUMAR, SPECIAL PUBLIC PROSECUTOR

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 05.04.2019 at the hands of the respondent police for the offences punishable under Sections 8(c) r/w 20(b)(ii)(B), 27(A), 28 and 29 of NDPS Act, in C.C.No.146 of 2019 on the file of the Principal Special Judge for E.C and N.D.P.S Act cases, Chennai in respect of R.R.No.04 of 2019 on the file of the respondent, seeks bail.

2. The case of the prosecution is that when the respondent and their team were in search at the petitioner's home, they found that the petitioner was in possession of 420 gms of Hashish oil. Hence the complaint.



3. This Court had already dismissed the earlier bail petition filed by the petitioner by an order dated 26.08.2021. While dismissing the bail petition, this Court had directed the Trial Court to dispose of the case within a period of three months from the date of order. However, due to Covid-19 pandemic situation, the Court below could not able to complete the trial within the time stipulated by this Court.

4. The learned counsel for the petitioner would submit that the petitioner is having 2 children and her husband's whereabouts are not known. Therefore, no one is there to look after her children. However, due to Covid-19 pandemic circumstances, the Trial Court could not able to complete the trial. Hence, he sought for bail to the petitioner.

5. The learned Special Public Prosecutor would submit that there is no change of circumstances after the previous order was passed. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

6. Taking into consideration of the above facts and circumstances of the case and there is no change of circumstances, this Court is not inclined to grant bail to the petitioner. However, the Trial Court is directed to complete the trial, within a period of three months from the date of receipt of a copy of this order and it is made clear that the Court below shall conduct the enquiry in a day-to-day manner. The learned counsels appearing for all the accused are directed to co-operate for the trial.

7. Accordingly, this Criminal Original Petition is dismissed.

-sd/-

07/06/2022

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 PRINCIPAL SPECIAL JUDGE FOR
E.C AND N.D.P.S.ACT CASES, CHENNAI

2 THE SUPERINTENDENT,
CENTRAL PRISON FOR WOMEN,
PUZHAL, CHENNAI



3 THE SPECIAL PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INTELLIGENCE OFFICER,
NARCOTIC CONTROL BUREAU,
CHENNAI ZONAL UNIT, CHENNAI.

CC to M/S. D.MARIO JOHNSON Advocate on payment of necessary
charges

CRL OP.5543/2022

Date :07/06/2022

RVR 10/06/2022