



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.03.2022

WEB COPY

CORAM:

THE HON'BLE Dr. JUSTICE G.JAYACHANDRAN

Cr1.O.P.No.6017 of 2022

Magudeeshwaran

... Petitioner

Vs.

State Rep By
The Inspector of Police,
S-1, St.Thomas Mount Police Station,
Chennai
(Crime No.916 of 2020)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner/accused on bail in C.C.No.245 of 2021 pending trial on the file of the Special Judge, II Additional Special Court for Exclusive Trial of Cases under NDPS Act, Chennai.

For Petitioner : Mr.V.Pavel

For Respondent : Ms.G.V.Kasthuri
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 28.10.2020 for the offences punishable under Sections 8 (c), 20(b)(ii)(C), 25, 29(1) of NDPS Act in Crime No.916 of 2020, on the file of the respondent police, seeks bail.

2. The petitioner herein was arrested on 28.10.2020 for possession of 321.650 Kg of ganja along with three others. Being a commercial quantity, the petitioner's bail petition was rejected by the trial Court, since the case does not satisfy the Section 37 of the NDPS Act.

3. The learned counsel appearing for the petitioner would submit that it is mandatory violation in this case and particularly the seized contraband was not produced before the trial Court along with the accused at the time of remand and admittedly it was produced only after the delay of more than a month. It is contrary to standing



order issued by the Government of India.

4. This Court on considering the quantity of the contraband seized from the petitioner and others, is of the view that the petitioner shall prove his innocence during the trial and it is not the stage to consider the merits of the case, since the prima facie case has been made out against the petitioner for possessing commercial quantity.

5. However, the trial Court viz., the learned Special Judge, II Additional Special Court for exclusive trial of cases under NDPS Act, Chennai is directed to complete the trial preferably within a period of four (4) months from the date of receipt of a copy of this Order. It is open to the petitioner to convince the trial Court regarding violation of mandatory provisions and other points.

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

-sd/-

21/03/2022

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 SPECIAL JUDGE,
II ADDITIONAL SPECIAL COURT FOR
EXCLUSIVE TRIAL OF CASES UNDER NDPS ACT,
CHENNAI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
S-1, ST.THOMAS MOUNT POLICE STATION,
CHENNAI.

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI.

+1 CC to M/S.V.PAVEL Advocate on payment of necessary charges
SR.NO.4245

CRL OP.6017/2022

Date :21/03/2022

TA-23/03/2022