



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Nineteenth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice N. ANAND VENKATESH

CRIMINAL ORIGINAL PETITION No.11079 of 2022

SIVA @ SIVA SAMI

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
NIB-CID,
CHENNAI.
CRIME NO.21/2019

[RESPONDENT]

For Petitioner : M/S.S.RAJKUMAR Advocate

For Respondent : MR.S.SANTHOSH, GOVERNMENT ADVOCATE (CRIMINAL SIDE)

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 28.02.2019 for alleged offence under Sections 8(c) r/w 20 (b) (ii) (C) of the NDPS Act, seeks bail.

2. The case of the prosecution is that the petitioner was in possession of 21 kgs. of ganja. In this case, the final report has already been filed and the case is now at the stage of trial.

3. The main grievance that was expressed by the learned counsel for the petitioner is that the petitioner has suffered incarceration for more than three years and till now, the case has not been completed and hence, this Court should consider enlarging the petitioner on bail.

4. Per contra, the learned Government Advocate (Criminal Side) submitted that the trial is pending before the Court below and it is now under the stage of examination of L.W.7. The learned Government Advocate submitted that there are totally 12 witnesses in this case and that a time limit can be fixed for the completion of the trial in the case. It is further submitted that since the quantity involved is commercial quantity, the petitioner has to necessarily satisfy the requirements of Section 37 of the NDPS Act and any order passed by this Court at this stage dealing with the merits of the case will



have a bearing in the pending case. Therefore, the learned Government Advocate sought for dismissal of this petition.

5. Taking into consideration the facts and circumstances of the case and also the fact that the case is now in the middle of trial, this Court is inclined to issue a direction to the Court below to complete the proceedings within the time limit fixed by this Court.

6. In the result, this Criminal Original Petition is dismissed and there shall be a direction to the learned Principal Special Judge (FAC) under EC & NDPS Act, Chennai, to dispose of C.C.No.111 of 2019, within a period of six weeks from the date of receipt of a copy of this order.

-sd/-
19/05/2022

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 COURT
UNDER EC AND NDPS ACT, CHENNAI.

2 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI.

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS-104.

4 THE INSPECTOR OF POLICE,
NIB-CID
CHENNAI.

CC to M/S.S.RAJKUMAR Advocate on payment of necessary charges

CRL OP.11079/2022

Date :19/05/2022

SRG 20/05/2022