



WEB COPY



Crl.O.P.No.24647 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.10.2022

CORAM:

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

Crl.O.P.No.24647 of 2022

G.Rajalakshmi

... Petitioner

Vs.

State by:

The Inspector of Police,
R2, Kodambakkam Police Station,
Chennai.

(Crime No.81 of 2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C., to set aside the returned Docket order dated 19.09.2022 made in Crl.M.P.(SR).No.5236 of 2022 passed by the learned Principal Special Court under EC & NDPS Act Chennai and to direct entertain the application filed by the petitioner for Mandatory bail for under Section 167(2) of Cr.P.C., on the file of the learned Principal Special Court under EC & NDPS Act Chennai.

For Petitioner : Mr.T.Shanmugaboopathi

For Respondent : E.Raj Thilak
Additional Public Prosecutor



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ORDER

WEB COPY This Criminal Original petition has been filed to set aside the returned Docket order dated 19.09.2022 made in Crl.M.P.(SR).No.5236 of 2022 passed by the learned Principal Special Court under EC & NDPS Act Chennai and to direct the entertainment of the application filed by the petitioner for Mandatory bail for under Section 167(2) of Cr.P.C., on the file of the learned Principal Special Court under EC & NDPS Act Chennai.

2.The learned Counsel appearing for the petitioner submitted that the petitioner was arrested on 17.03.2022 and remanded to judicial custody on 18.03.2022 for an alleged offences under Section 8(c), 22(a), 22(c), 29(1) of Narcotic Drugs and Psychotropic Substances Act, 1985 and 465, 468, 472 of IPC. The statutory bail petition has been filed by the petitioner before the learned Principal Special Court constituted under EC & NDPS Act, Chennai under Section 167(2) of Cr.P.C.,for non filing of final report. The Trial Court without passing any orders on merit, simply returned the petition stating that the charge sheet has been filed before completion of 180 days i.e., on 12.09.2022. Hence, the present petition has been filed.

3.The learned Public Prosecutor submitted that in this case, charge



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sheet has been filed before completion of 180 days. Therefore, the learned Judge had returned the statutory bail petition filed by the petitioner.

4.I have considered the matter in the light of the submissions made by the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent.

5.On perusal of the records, it reveals that the petitioner was arrested on 17.03.2022 and remanded to judicial custody on 18.03.2022 for an alleged offences under Section 8(c), 22(a), 22(c), 29(1) of Narcotic Drugs and Psychotropic Substances Act, 1985 and 465, 468, 472 of IPC. The statutory bail petition has been filed by the petitioner under Section 167(2) of Cr.P.C., before the learned Principal Special Judge under EC & NDPS Act, Chennai and the same was returned by the learned Judge stating that the charge sheet has been filed before completion of 180 days. This Court finds that *prima facie* case has been made out against the petitioner.

V.SIVAGNANAM, J.
shk

6. Accordingly, this Criminal Original Petition is allowed and the docket order passed by the Principal Special Court under EC & NDPS Act Chennai in



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Crl.M.P.(SR).No.5236 of 2022 dated 19.09.2022 is set aside and remitted back to the Trial Court to pass orders on merits, in accordance with law.

14.10.2022

Internet:Yes
Index:Yes/No
Speaking/Non speaking order
shk

To

1. The Principal Special Court under EC & NDPS Act Chennai
- 2.The Inspector of Police,
R2, Kodambakkam Police Station,
Chennai.
- 3.The Public Prosecutor,
High Court of Madras.

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