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Crl.O.P.(MD).No.17969 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.10.2023

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

Crl.O.P.(MD).No.17969 of 2023

1.Srinivasan

2.Karthi

... Petitioners/Accused Nos.1 & 2

Vs.

The State rep. by its,
The Inspector of Police,
NIBCID,
Trichy District.
(Crime No.3 of 2023)

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to call for the records of the petitioners' impugned bail application returned on 28.08.2023 on the file of the Special Court for NDPS Cases, Pudukkottai and set aside the same and take the bail application under section 167(2) of CrPC.

For Petitioner : Mr.J.Vijayaraja

For Respondent : Mr.S.Ravi
Additional Public Prosecutor



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ORDER

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This criminal original petition has been filed seeking to set aside the impugned bail application returned on 28.08.2023 on the file of the Special Court for NDPS Cases, Pudukkottai and take the bail application under section 167(2) of CrPC.

2.The learned counsel for the petitioners would submit that the petitioners were remanded to the judicial custody on 01.03.2023 for the offences punishable under Sections 8(c) r/w 20(b)(ii) and Section 25 of the NDPS Act on the file of the respondent police. They have filed a bail application before the Special Court under Section 167(2) of Cr.P.C. on completion of 180 days of custody on 28.08.2023. But, it was returned as charge sheet filed on 28.08.2023. According to the learned counsel for the petitioner, without considering the bail application on the judicial side, it was returned mechanically.

3.The maintainability should not be decided on the administrative's side without even numbering the petition. It must be taken on the judicial side and also opportunity must be given to the petitioner. On the sole



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ground, the above said order is liable to be set aside.

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4. Accordingly, the docket order made in unnumbered Crl.M.P. dt. 28.08.2023, on the file of the Special Court for NDPS Cases, Pudukkottai, is hereby set aside. Let the above said returned petition be represented before the Special Court for NDPS Cases, Pudukkottai, by the petitioner. The learned Sessions Judge, Special Court for NDPS Cases, Pudukkottai, shall process the above said petition and decide the same on its judicial side. For that purpose, let the above said petition be returned back to the petitioner by the Registry.

4. With the above said directions, this Criminal Original Petition is allowed.

09.10.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
TM

To

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1.The Sessions Judge, Special Court for NDPS Cases, Pudukkottai.

2.The Inspector of Police,
NIBCID,
Trichy District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGO VAN,J.

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