



Crl.O.P.No.8435 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.04.2025

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THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.8435 of 2025

Elangovan

... Petitioner

Versus

The State Rep.by its,
The Inspector of Police,
NIB CID Salem, Salem District.
(Crime No.29 of 2024)

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita,(BNSS), 2023, seeking to enlarge the petitioner on bail in connection with Crime No.29 of 2024 on the file of the respondent.

For Petitioner : Mr. N. Ranjith Kumar

For Respondent : M/s. J. R. Archana,
Government Advocate (Crl.Side).

ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 26.04.2024, seeking bail in Crime No.29 of 2024 pending on the file of the respondent Police, for the offences under Sections 8(c) r/w 20(b)(ii)(B), 25 and 29(1) of the Narcotic Drugs and Psychotropic Substances (NDPS) Act, 1985.



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2. The case of the prosecution is that based on the secret information, the respondent Police caught the petitioner, along with the other accused persons, while they were illegally transporting 68 kg of Ganja, which is a commercial quantity. Hence, the case.

3. This is the third bail application before this Court. The earlier bail application in Crl.OP.No.19990 of 2024 was dismissed on 29.08.2024 by the Hon'ble Mrs.Justice T.V.Thamilselvi and this bail petition is listed before this Court pursuant to the orders passed by the Hon'ble Division Bench of this Court in Crl.O.P.No.31787 of 2024 on 04.03.2025.

4. Learned counsel appearing for the petitioner submitted that the earlier bail application in Crl.OP.No.19990 of 2024 dated 29.08.2024 was dismissed on the ground that the petitioner had not satisfied the twin conditions under Section 37 of the NDPS Act; that considering the fact that the trial has not yet commenced, and the co-accused/A4 has already been enlarged on bail in Crl.O.P.No.4609 of 2025 dated 19.03.2025, the petitioner may be released on bail, and that the petitioner's continuous incarceration violates his right under Article 21 of the Constitution of India and sought for bail.



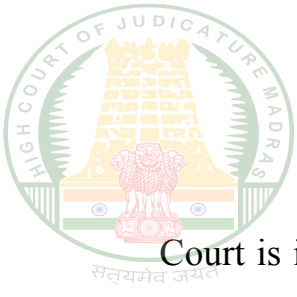
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5. The learned Government Advocate (Crl.Side) appearing for the respondent police, opposed the grant of bail to the petitioner stating that the petitioner did not satisfy the twin conditions under Section 37 of the NDPS Act; that the petitioner's confession revealed that A1 to A3 bought the contraband from Andhra Pradesh and supplied to A4; that there are call records to show that all the accused were in constant touch with each other; and that the contraband was carried in a vehicle which belonged to the accused/A2.

6. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent Police and perused the materials available on record.

7. Considering the fact and circumstances of the case, and since the petitioner found to be in possession of 68 kg of ganja, which is commercial quantity, has not satisfied the twin conditions under Section 37 of the NDPS Act, this Court is not inclined to grant bail to the petitioner. At the same time, the petitioner cannot be incarcerated indefinitely pending trial. Hence, this



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Court is inclined to direct the Trial Court to conclude the trial as expeditiously as possible. If the trial is not completed within a period of six months from the date of receipt of a copy of this order, the petitioner is at liberty to renew the bail application.

8. With the above observations and directions, this Criminal Original Petition is disposed of.

01.04.2025

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To

1. The Judicial Magistrate Court No.2, Mettur.
2. The Inspector of Police, NIB CID Salem, Salem District.
3. The Superintendent, Central Prison, Salem.
4. The Public Prosecutor, High Court of Madras.



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SUNDER MOHAN, J.

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