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Crl.R.C.No.1733 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 08.11.2023

PRONOUNCED ON : 7.02.2024

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.No.1733 of 2023

K.Selvam

... Petitioner

Vs.

State rep. by its:-

The Inspector of Police,
E5, Pattinapakkam Police Station,
Chennai.

(Crime No.69 of 2023).

... Respondent

PRAYER: Criminal Revision is filed under Section 397 r/w 401 of the Code of Criminal Procedure, to set aside the order passed by the learned Special Judge for EC & NDPS Act Cases, Chennai in Crl.M.P.No.7108 of 2023 dated 03.10.2023 and enlarge the revision petitioner on statutory bail by allowing this revision petitioner.

For Petitioner : Mr.P.Veera Narayanan

For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor

ORDER

The petitioner/A1 has filed a statutory bail in Crl.M.P.No.7108 of 2023 in Crime No.69 of 2023 before the learned Principal Special Judge, Principal Special Court Under EC & NDPS Act, Chennai. The learned Judge *vide* order,



dated 03.10.2023 dismissed the same, against which, the present Criminal Revision Case.

2.The learned counsel for the petitioner submitted that the petitioner was arrested in Crime No.69 of 2023 for the offence under Sections 8(c) and 20(b)(ii)(c) of The Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as 'NDPS Act') on 20.03.2023. The 180th day falls on 15.09.2023. Since the prosecution failed to file the charge sheet before the stipulated period, the petitioner filed the statutory bail petition on 21.09.2023. The Trial Court ought to have considered the bail petition on the same day since all the records are before it, on the other hand the Trial Court waited till 03.10.2023 and dismissed the same, in the meanwhile Charge sheet has been filed.

3.The learned Additional Public Prosecutor appearing for the respondent Police filed a counter and submitted that on 20.03.2023, a secret information was received, based on that, the Police persons went to scene of occurrence, at that time, the petitioner came there and the police persons intercepted and found that petitioner had in possession of 40kg of Ganja. Hence, the



petitioner was arrested, contraband seized under seizure Mahazar as well as recorded his confession statement in the presence of witness, FIR registered in Crime No.69 of 2023, produced the petitioner before the learned XXIII Metropolitan Magistrate, Saidapet, Chennai and remanded to judicial custody on 20.03.2023. The seized contrabands were produced before the Principal Special Court under EC and NDPS Act, Chennai in A.No.506/2023 and B.No.369/2023. The samples were sent to Forensic Science Laboratory for chemical analysis and the same was obtained. During investigation, it was found that the petitioner purchased ganja from the State of Andhra Pradesh and was selling in and around Chennai. It was also found that the petitioner was involved in another case in Crime No.582 of 2022 for offence under Sections 8(c), 20(b)(ii)(B) of The NDPS Act and the same is under investigation. It is further submitted that investigation completed and charge sheet filed before the Court below on 13.09.2023 and the same was taken on file in SR.No.7346 of 2023. Thereafter only, the petitioner filed the bail petition under Section 167(2) Cr.P.C. on 21.09.2023 i.e., 186th day. Finding that charge sheet already filed, the Lower Court dismissed the statutory bail petition filed by the petitioner and hence, the order of the Lower Court needs no interference. Hence, prays for dismissal of the present revision.



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4.Considering the submissions made and on perusal of the materials, it is seen that the petitioner was arrested on 23.03.2023 and final report ought to have been filed on or before 180th day which falls on 15.09.2023. In this case, charge sheet filed on 13.09.2023 well before the stipulated period and thereafter only, the petitioner filed the statutory bail petition under Section 167(2) Cr.P.C. On 21.09.2023. In view of the same, the statutory bail petition filed by the petitioner is not sustainable and the order passed by the Lower Court dismissing the same is in order.

5.Accordingly, this Criminal Revision Case stands dismissed.

7.02.2024

Speaking order/Non-speaking order

Index: Yes/No

Neutral Citation: Yes/No

vv2/cse



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To

- 1.The Principal Special Judge,
Principal Special Court Under EC & NDPS Act,
Chennai.
- 2.The Superintendent of Police,
Central Prison, Puzhal.
- 3.The Inspector of Police,
E5, Pattinapakkam Police Station,
Chennai.
- 4.The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.

vv2/cse

PRE-DELIVERY ORDER IN

Crl.R.C.No.1733 of 2023

7.02.2024