



Crl.O.P.No.26634 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2024

CORAM

THE HON'BLE MR. JUSTICE **C.V.KARTHIKEYAN**

Crl.O.P.No.26634 of 2024

Hameen @ Ameen Allah

...Petitioner/A1

Vs.

State represented by
The Inspector of Police,
T-13, Chitalapakkam Police Station,
Chennai – 600 064.
(Crime No.98 of 2023)
...Respondent/Complainant

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in C.C.No.484 of 2023 on the file of the Principal Special Court under EC & NDPS Act, Chennai.

For Petitioner : Mr.T.S.Sasi Kumar

For Respondent : Mr.S.Vinoth Raja
Govt. Advocate (Crl. Side)



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ORDER

The petitioner / A1 seeks bail in C.C.No.484 of 2023 on the file of the Principal Special Court under EC & NDPS Act, Chennai.

2.Originally, the petitioner was arrested and remanded to judicial custody on 17.03.2023 for the offences punishable under Sections 8(c), 20(b)(ii)(c), 29(1) and 25 of NDPS Act in Crime No.98 of 2023 on the file of the respondent.

3.The earlier application seeking bail had been dismissed by this Court on 25.07.2024.

4.It is the case of the prosecution that on 17.03.2023 the respondent had intercepted Maruti Zen vehicle bearing Reg. No.AP-05-AC-4447 and there were totally four passengers in the vehicle and they were in possession of 52 Kgs of Ganja. This petitioner was found in possession of 22 Kgs of Ganja and the other three accused were found in possession of 10 Kgs of Ganja each. An FIR in Crime No.98 of 2023 had



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been registered by the respondent.

5.It is also stated that the other three accused had been granted bail by a learned Single Judge of this Court since the quantity of ganja which the respondent claims was less than the commercial quantity.

6.The learned counsel for the petitioner insisted that bail should be granted on the ground of long period of incarceration and also that there has no progress in the trial. Consequent to investigation, a final report had been filed and the same had been taken cognizance as C.C.No.484 of 2023, which is now pending before the Principal Special Court under EC & NDPS Act, Chennai.

7.The case status report had been forwarded by the learned counsel for the petitioner and it is seen that on and from 12.07.2023 onwards, the matter had been posted practically twice or definitely once every month and the next hearing as given by the learned counsel for the petitioner was on 13.11.2024 and the only purpose of the hearing was remand and



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there has been no progress in the case at all.

8.The learned counsel for the petitioner had placed reliance on the observation of the Hon'ble Supreme Court in ***SLP (Crl.) No.7203 of 2023, Sajid Vs. State of U.P.***, wherein two aspects had been observed by the Hon'ble Supreme Court namely, about the non-conclusion of trial and other about placing the accused in one FIR before the same judge.

9.In this case, bail had been granted for other accused and bail had been denied for this accused only on the ground that he was found in possession 22 kgs of ganja. But, the Court will also have to balance the fact that there has been absolutely no progress in the trial. It is also informed quite recently the Presiding Officer has also been transferred and there is no Presiding Judge in the said Court. There is no possibility of the trial ever commencing and there is no possibility of the trial ending in the near future. Based on that particular ground and also considering the period of incarceration suffered by the petitioner, I am inclined to grant bail to the petitioner subject to the following conditions:



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10. Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, out of which, one surety must be blood surety, each for a like sum to the satisfaction of the Principal Special Court under EC & NDPS Act, Chennai and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall appear before the trial Court on every Monday at 10.30 a.m., till completion of trial quite apart from Court hearing dates.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].



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[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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To

1. The Principal Special Court under EC & NDPS Act, Chennai.
2. The Central Prison, Puzhal, Chennai.
3. The Inspector of Police,
T-13, Chitalapakkam Police Station,
Chennai – 600 064.
4. The Public Prosecutor,
High Court of Madras.



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C.V.KARTHIKEYAN. J.

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