



CRL OP(MD). No.14536 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/09/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). No.14536 of 2024

Sayed Umar Sahib

... Petitioner/ A1

Vs

The Union of India,
Through the Intelligence Officer,
Narcotics Control Bureau,
Madurai Sub-Zone, Madurai.
(F.No.48/01/04/2022/mdu)

... Respondent/Complainant

For Petitioner : Mr.K.Althaf Sheriff, Advocate
for M/s.Ajmal Associates
For Respondent : Mr.Arul Vadivel @ Sekar,
Special Public Prosecutor

PRAYER :-

To enlarge the Petitioner on bail in F.No.48/1/4/2022/NCB/MDU in C.C.No.794 of 2023 on the file of Principal Special Court for NDPS Act Cases, Madurai.

ORDER : The Court made the following order :-

The petitioner / Accused, who was arrested and remanded to judicial custody on 02.11.2022 for the offences punishable under Sections 8(c) r/w. 20(c) and 25 and 29 of NDPS Act, 1985 in connection with F.No.48/1/4/2022/NCB/MDU in C.C.No.794



CRL OP(MD). No.14536 of 2024

of 2023 on the file of Principal Special Court for NDPS Act Cases, Madurai, seeks bail.

WEB COPY

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondent and perused the materials available on record.

3. The learned counsel for the petitioner would submit that the petitioner is on prolonged incarceration from the year 2022, almost two years is going to be completed. In support of his contention, the learned counsel would also rely upon the judgment of the Hon'ble Supreme Court of India in Ankur Chaudhary Vs. State of Madhya Pradesh in Spl.L.A(crl) No.4648 of 24.

4. I have considered the said submission. However, considering the fact that the contraband recovered in this case is 4.442 kilograms of Hashish oil, which is said to be huge quantity, considering the nature of the contraband involved, I am not inclined to enlarge the petitioner on bail.

5. When the petitioner is under incarceration, effective steps have to be taken by the prosecution. It is stated that the case is simply pending because NBW is pending as against the other accused. If that is the case, in respect of A4 and A5, the case has to be split up and it should be proceeded as against the petitioner and the other two accused, who are now under incarceration. Therefore, the prosecution is directed to take steps and the learned trial Judge is also requested to take up this case for



CRL OP(MD). No.14536 of 2024

expeditious disposal. In respect of the absconding accused, the matter can be split up and the trial can be proceeded in respect of this petitioner. The trial can be taken up as expeditiously as possible by having hearings of the case at least weekly once and examining the witnesses quickly.

6. With the above observations, this Criminal Original Petition is dismissed.

sd/-

02/09/2024

/ TRUE COPY /

/09/2024

Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP
TO

1 THE JUDGE,
PRINCIPAL SPECIAL COURT FOR NDPS ACT CASES,
MADURAI.

2 THE INTELLIGENCE OFFICER,
UNION OF INDIA
NARCOTICS CONTROL BUREAU,
MADURAI SUB-ZONE, MADURAI.

3 THE OFFICER INCHARGE,
DISTRICT JAIL, PERAURANI,
THOOTHUKUDI.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.



CRL OP(MD). No.14536 of 2024

+1 CC to M/s.M/S.AJMAL ASSOCIATES, Advocate (SR-10786[I] dated 03/09/2024)

ORDER
IN

CRL OP(MD) No.14536 of 2024
Date :02/09/2024

RS/SG/SAR-(25.09.2024) 4P 6C
Madurai Bench of Madras High Court is issuing
certified copies in this format from 17/07/2023