



Crl. O.P. No.2453 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.03.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl. O.P. No.2453 of 2025

Bharath @ Bharath Kumar S/o. Sekar

... Petitioner / Accused

Vs.

The State represented by:

The Inspector of Police [Law & Order],
H-6 R.K. Nagar Police Station,
Chennai.
(Cr. No.200 of 2024).

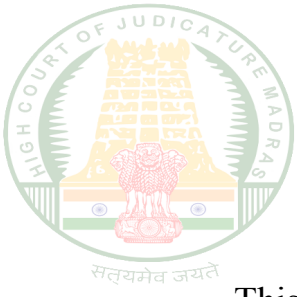
... Respondent

PRAYER: The Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail, in connection with the Cr. No.200 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.M. Illiyas

For Respondent : Ms. J.R. Archana
Government Advocate (Crl. Side).

ORDER



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This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 17.01.2024 seeking bail in Cr. No.200 of 2024 registered for the offences under Sections 8(c), 22(c) and 29(1) of NDPS Act.

2. The case of the prosecution is that on 11.03.2024, on receipt of a secret information regarding illegal transportation of narcotic substance, the Respondent along with his team, had gone to the Bharathi Nagar Housing Board backside, R.K. Nagar, Chennai, wherein, they found that the petitioner along with other accused persons was in illegal possession of Methamphetamine, weighing 60 grams. Hence the case.

3. This is the third bail application before this Court. The earlier bail application in Crl.OP.No.29326 of 2024 was dismissed on 04.12.2024 by Hon'ble Mr.Justice P. Dhanabal 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. While dismissing the earlier bail application, this Court had made the



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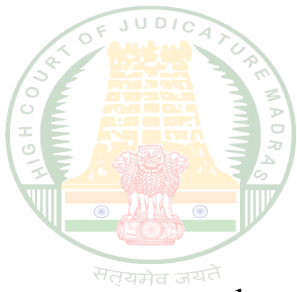
following observations.

“Considering the representation made by both side counsel, grave nature of offence and the quantity of contraband involved is a commercial quantity, and the petitioner has 20 previous cases pending against him, and investigation is also not yet completed, it is not appropriate to consider the bail application of the petitioner at this stage. Hence, this Criminal Original Petition stands dismissed”

5. The learned counsel appearing for the petitioner submitted that the co-accused was granted bail; that out of 20 previous cases cited by the respondent police, one case is registered for the offences under NDPS Act for the possession of intermediate quantity of contraband and the remaining cases are registered for the offences under IPC and hence prayed for grant of bail.

4. The learned Government Advocate (Criminal side) appearing for the respondent reiterated the prosecution case and on instructions submitted that since the contraband seized from this petitioner is commercial quantity, he has to satisfy the twin conditions laid down under Section 37 of NDPS Act; that the final report has been filed and the trial would be concluded expeditiously.

5. Considering the aforesaid facts, this Court is of the view that since the



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contraband seized is the commercial quantity, the petitioner has to satisfy the twin conditions laid down under Section 37 of NDPS Act, which has not been done in this case. However, the petitioner cannot be incarcerated indefinitely without trial. Hence the trial Court is directed to conclude the trial as expeditiously as possible. If the trial Court is not concluded within 4 months, the petitioner is entitled to renew his bail application before the trial Court.

6. With the above said directions, the Criminal Original Petition is closed.

25.03.2025

mjs

To

1.The Inspector of Police [Law & Order], H-6 R.K. Nagar Police Station, Chennai.

2. The Public Prosecutor, High Court of Madras.



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SUNDER MOHAN., J.

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