



CrI.O.P.No.2266 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 24.03.2025

PRONOUNCED ON : 02.04.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

CrI.O.P.No.2266 of 2025

Keith Emmanuel Arnold ... Petitioner/A2
Vs.

Union Rep. by
The Intelligence Officer,
NCB, Chennai.
(R.R.No.46 of 2023) ... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of BNSS, to enlarge the petitioner/A2 on bail in CC No.556 of 2024 by the learned Special Judge, 1st Additional Special Court for Exclusive Trial of cases under NDPS Act, Chennai in NCB F No.48/1/20/2023 NCB/MDS on the file of the respondent police.

For Petitioner : Mr.C.M.Ramakrishnan

For Respondent : Mr.N.P.Kumar
Special Public Prosecutor

ORDER

This Criminal Original Petition has been filed by the petitioner/A2, who was arrested and remanded to judicial custody on 10.05.2024,



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seeking bail in R.R.No.46 of 2023 in NCB F.No.48/1/20/2024-
WEB CON NCB/MDS registered for the offence under Sections 8(c), 22(c), 23(C),
28 & 29(1) of NDPS Act, 1985.

2. (i) It is the case of the prosecution that on 26.10.2023, on secret information, the respondent had seized 2.36 grams of LSD Stamps (125 Nos.) and 129 grams of MDMA Tablets (308 Nos.), which is a commercial quantity.

(ii) It is the further case of the prosecution that the petitioner is also involved in the said offence as the subsequent investigation revealed his involvement. Hence, the case was registered for the aforesaid offences.

3. The learned counsel appearing for the petitioner would submit that the petitioner was implicated only on the confession of the co-accused; that under similar circumstances, the Hon'ble Apex Court and this Court had granted bail to accused, who are implicated on the confession of the co-accused; and that the respondent had violated the mandatory provisions under Section 52(A) (2) of the NDPS Act; that the



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allegations against the petitioner are false.

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(ii) The learned counsel for the petitioner further submitted that the petitioner is in custody from 10.05.2024; that the first accused had filed a bail application before this Court in Crl.OP.No.27524 of 2024, which was dismissed on 13.11.2024 with a direction to the Special Court to complete the trial within four months; that the trial is still pending and since the trial is not likely to be completed in the near future, the continuous incarceration of the petitioner would violate his right under Article 21 of the Constitution of the India; and that considering the period of incarceration, prayed for bail.

4. The learned Special Public Prosecutor appearing for the respondent police, while opposing the grant of bail to the petitioner, *per contra* submitted that though no recovery was made from the petitioner, the petitioner who is not only implicated on the confession of the co-accused, but also on the basis of other evidence including whatsapp chats of the petitioner with the main accused, the recovery of fake Aadhar card bearing No.8525 2581 4523 with photo of the petitioner which is found in his phone gallery and issued in the name of one Kisore.M, the



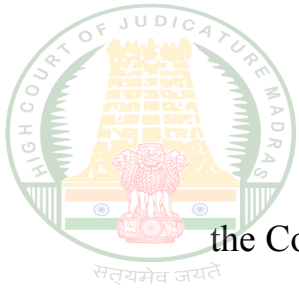
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purported receiver of UPS Courier parcel with the seized contraband and considering the aforesaid facts submitted that the rigors of Section 37 of the NDPS Act would be applicable to the petitioner as well. The respondent has also filed a counter affidavit to that effect.

5. This Court had perused the counter and the other documents besides the complaint filed by the respondent. It is seen that apart from the confession of the co-accused, there are several incriminating materials against the petitioner including the whatsapp chats between this petitioner and the first accused and also the seizure of a fake aadhar card in the name of one Kisore.M, in which the petitioner's photograph is found. Hence, this Court is of the view that the petitioner has to satisfy the twin conditions under Section 37 of the NDPS Act.

6. It is also seen that when the first accused approached this Court for bail, this Court in Cr1.OP.No.27524 of 2024 by order dated 13.11.2024 had directed the trial to be completed within a period of four months from the date of receipt of that order. Further, it is seen that the trial has not been completed so far. The petitioner cannot be incarcerated for an indefinite period which will violate his right under Article 21 of



the Constitution of India.

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7. Therefore, this Court directs the trial Court viz., learned Special Judge, 1st Additional Special Court for Exclusive Trial of cases under NDPS Act, Chennai, to conclude the trial as expeditiously as possible. If the trial is not concluded within a period of four months, from the date of receipt of a copy of this order, the petitioner shall be at liberty to renew the bail application before the trial Court. However, it is made clear that if the delay is on the account of the petitioner, he would not be entitled to any relief.

8. With the above directions, the Criminal Original Petition stands dismissed.

02.04.2025

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To

1. The Special Judge,
1st Additional Special Court for Exclusive Trial of cases under NDPS
Act, Chennai.

2. The Intelligence Officer,
NCB, Chennai.

3. The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.
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Pre-delivery order in
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