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CrI.O.P. No.8060 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.03.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

CrI.O.P.No.8060 of 2025

A. Abinеш

... Petitioner/ Accused No.1

Vs.

The State Represented by,
The Inspector of Police,
NIB-CID Police Station,
Salem District.
Crime No.19 of 2022.

... Respondent/ Complainant

PRAYER: Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioner on bail, in connection with Spl. C.C. No.87 of 2022, pending trial on the file of the Special Court for EC/NDPS Act, Salem.

For Petitioner : Mr. C. Deepak Kumar

For Respondent : M/s. J. R. Archana
Government Advocate (CrI. Side)



ORDER

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This is the eighth bail application filed by the petitioner, who was arrested and remanded to judicial custody on 10.04.2022 in Crime No.19 of 2022, for the alleged offence punishable under Sections 8(c) r/w. 20(b)(ii)(C), 25 and 29(i) of NDPS Act, 1985, pending trial in Spl. C.C. No.87 of 2022 on the file of the Special Court for EC/ NDPS Act, Salem.

2. The case of the prosecution is that, based on a secret information, the respondent police went to the spot and found that the petitioner and other accused were in joint possession of 100 kilograms of Ganja leaves and seeds.

3. The earlier bail applications of the petitioner were dismissed by considering the gravity of the offence and bad antecedents of the petitioner. The seventh bail application of the petitioner in CrI.O.P.No.30030 of 2024 was dismissed by the Hon'ble Justice T.V.Thamilselvi, vide order dated 23.01.2025, with the following direction:

"5. Considering the fact that the contraband seized from the petitioner is commercial quantity and he is having three previous cases. Hence, this Court is not inclined to allow this petition. Accordingly, this petition is dismissed. Further, the Trial Court is



directed to complete the trial as early as possible."

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4. The learned counsel for the petitioner would submit that the petitioner is in judicial custody from 10.04.2022; that although there was a direction by this Court to complete the trial as early as possible, the trial is yet to be completed; and that his continuous incarceration violates his fundamental right under the Article 21 of the Constitution of India, hence prayed to grant bail to the petitioner.

5. The learned Government Advocate (Crl. Side) appearing for the respondent submitted that the earlier bail applications of the petitioner was dismissed by considering the gravity of offence and bad antecedents of the petitioner; and that the trial has now commenced and is likely to be concluded in the near future and opposed the grant of bail to the petitioner.

6. Considering the aforesaid facts and submissions made on both sides, this Court is not inclined to grant bail to the petitioner at this stage. However, the petitioner cannot be indefinitely incarcerated during the trial, hence it would be desirable to direct the Trial Court to conclude the trial as expeditiously as possible. If the trial is not concluded within four months, the petitioner is at



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liberty to renew his bail application before the Trial Court.

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SUNDER MOHAN, J.

stn

7. Accordingly, this Criminal Original Petition is disposed of.

26.03.2025

stn

To

The Inspector of Police,
NIB-CID Police Station,
Salem District.
Crime No.19 of 2022.

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