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Crl.OP.No.5502 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.5502 of 2025

M.Muhammed Arshad

Petitioner(s)

Vs

State Rep. by, Inspector of Police,
Sulur Police Station,
Coimbatore District.

(Crime No.330 of 2023)

Respondent(s)

PRAYER: Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail pending
trial in C.C. No.96 of 2023 on the file of the Additional District
Judge/Presiding Officer, Special Court for Essential Commodities Act
Cases, Coimbatore.

For Petitioner : Mr.C.D.Sugumar

For Respondent : Ms.J.R.Archana

Government Advocate(Crl.Side)

ORDER

This Criminal Original Petition has been filed by the petitioner, who
was arrested and remanded to judicial custody on 17.05.2023, seeking bail
in Crime No.330 of 2023 registered for the offences under Sections 8(c),
22(c) & 29(1) of the NDPS Act, 1985.



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2. The case of the prosecution is that the petitioner along with other persons were found in illegal possession of 60 grams of Methamphetamine. Hence, this case.

3.Learned counsel appearing for the petitioner would submit that the trial is yet to commence, since there is no Presiding Officer for NDPS cases; that continuous incarceration is against his fundamental right under Article 21 of the Constitution of India and hence, he may be released on bail.

4.Learned Government Advocate (Crl.Side) appearing for the respondent police, per contra, submitted that trial is posted for examination of the Inspector of Police, the trial would be concluded in the near future and submitted that the twin conditions under Section 37 of NDPS has not been satisfied by the petitioner and sought for dismissal.

5. Considering the aforesaid facts and the gravity of the offence, this Court is not inclined to entertain the bail petition at this stage. However, the petitioner cannot be incarcerated continuously for an indefinite period



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without conclusion of the trial, hence the learned Additional District Judge/Presiding Officer, Special Court for Essential Commodities Act Cases, Coimbatore District is directed to conclude the trial in C.C. No.96 of 2023 as expeditiously as possible. If the trial is not concluded within a period of four (4) months, the petitioner is at liberty to renew the above petition.

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

28.03.2025

Index : Yes / No

rkp

To

1. The Inspector of Police,
Sulur Police Station,
Coimbatore District.

2. The Additional District Judge/Presiding Officer,
Special Court for Essential Commodities Act Cases, Coimbatore

3. The Public Prosecutor,
Madras High Court,
Chennai.



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SUNDER MOHAN, J.

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