



Crl.O.P.No.4983 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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RESERVED ON : 26.03.2025

PRONOUNCED ON : 02.04.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.4983 of 2025

Balachandran ... Petitioner/A1

Vs.

The State represented by,
The Inspector of Police,
PEW, Poonamallee,
Chennai.

(Crime No.353 of 2023). ... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail, in connection with C.C.No.81 of 2024 in Crime No.353 of 2023, pending trial on the file of the learned Additional Special Judge-II, NDPS Act, Chennai.

For Petitioner : Mr.M.S.Ramesh
For Respondent : Ms.J.R.Archana
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed by the petitioner/A1, who was arrested and remanded to judicial custody on 03.08.2023, seeking bail in Crime No.353 of 2023 registered for the offences under



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Sections 8(c) r/w 22(C) and 29(1) of NDPS Act.

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2. The case of the prosecution is that on 03.08.2023, on secret information, the petitioner was found in possession of 30 Kgs of Ketamine and hence, the case.

3. The learned counsel appearing for the petitioner would submit that the allegations are false; that in any case, since the trial has not yet commenced, his further custody would violate his right under Article 21 of the Constitution of India; that the co-accused was granted bail by this Court in Crl.OP.No.27009 of 2024; and that considering the period of incarceration, sought for bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and submitted that the petitioner was found in possession of commercial quantity of contraband; that the petitioner has not satisfied the twin conditions under Section 37 of the NDPS Act and hence, he is not entitled to bail; and that the co-accused was granted bail because no contraband was seized from him



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and hence, the said bail order would not enure to the benefit of this petitioner and opposed the grant of bail.

5. The petitioner is in custody from 03.08.2023. He has not satisfied the twin conditions under Section 37 of the NDPS Act. However, the trial is now posted for furnishing of copies to the accused and would commence soon.

6. Considering the aforesaid facts, this Court is of the view that it would be desirable to direct the trial Court viz., II Additional Special Court for NDPS Act Cases, Chennai, to conclude the trial in C.C.No.81 of 2024, as expeditiously as possible. However, if the trial is not completed within a period of four months, the petitioner shall be at liberty to renew the bail application before the trial Court.

7. With the above observations, the petition is closed.

02.04.2025

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SUNDER MOHAN., J.

ars

To

1. The II Additional Special Court for NDPS Act Cases,
Chennai.
2. The Inspector of Police,
PEW, Poonamallee,
Chennai.
3. The Superintendent,
Central Prison, Puzhal-II, Chennai.
4. The Public Prosecutor,
High Court of Madras.

Pre-delivery order in
Crl.O.P.No.4983 of 2025

02.04.2025