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Crl.OP.No.4749 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.04.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

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1. Humayun

2. Nargis Bibi

... Petitioner(s) /Accused 2 and Accused 4

Vs.

State rep. by

The Inspector of Police,

Avinashi Police Station,

Tirupur.

... Respondent(s)/ Complainant

Crime No.117/2024

Prayer: Criminal Original Petition filed under Section 483 of BNSS 2023, to release the petitioners on bail connected in Crime No.117/2024 on the file of the respondent police.

For petitioner(s) : Mr.S.Manoj Vasanth

For Respondent(s) : M/s.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 06.03.2024, seeking bail



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in Crime No.117 of 2024 registered for the offence under Sections 8(c) r/w
20(b)(ii)(C) and 29(1) of the NDPS Act, 1985.

2. The case of the prosecution is that the petitioners along with other accused were found in possession of 37 kilograms of Ganja.

3. The learned counsel for the petitioners would submit that the allegations are false and that the petitioners are not in possession of contraband; that the respondents have no acceptable evidence to connect the petitioners with the alleged occurrence; and that considering the period of incarceration, the petitioners may be released on bail.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police, per contra, submitted that there are CCTV footages and other evidence to show that the petitioners were in possession of contraband and that, on seeing the police, the accused persons escaped from the scene of occurrence.



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5. Admittedly, the petitioners are in custody from 06.03.2024.

Considering the aforesaid facts and since the contraband seized was a commercial quantity and the petitioners have not satisfied the twin conditions imposed under Section 37 of the NDPS Act, this Court is not inclined to grant bail to the petitioners at this stage and accordingly, this criminal original petition is dismissed. However, the petitioners cannot be detained for an indefinite period during the trial. Hence, this Court is inclined to direct the Trial Court to complete the trial as expeditiously as possible. If the trial is not completed within a period of four (4) months, the petitioners are at liberty to renew the bail application before the trial Court.

07.04.2025

Index : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No
Internet: Yes/No
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SUNDER MOHAN, J.

dpa

To

1. The Inspector of Police,
Avinashi Police Station,
Tirupur.

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

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