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CrI.O.P.No.7973 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2025

CORAM

THE HONOURABLE MR. JUSTICE K.RAJASEKAR

CrI.O.P.No.7973 of 2025

R.Yogarajulu

... Petitioner

Vs.

Union of India through
Intelligence Officer,
Narcotics Control Bureau,
Chennai Zonal Unit, Chennai.

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in C.C.No.324 of 2024 pending on the file of the I Additional Special Court for EC and NDPS Act Cases, Chennai.

For petitioner : Mr.M.Venkadeshnan

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 28.07.2023, for the offence punishable under Sections 8(c) r/w 20(b)(ii)(A), 21(c), 22(c) and 29 of the Narcotics Drugs and Psychotropic Substances Act,



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1985, in C.C.No.324 of 2024 pending on the file of the I Additional Special Court for EC and NDPS Act Cases, Chennai, seeks bail.

2. This petitioner's earlier bail application in Crl.O.P.No.25533 of 2024 was dismissed by this Court on 19.11.2024, after considering the materials in detail, including the contentions raised by the petitioner that there was no recovery and no conscious possession. The present petition is, therefore, a successive bail application, which has now been filed and taken up for hearing.

3. The learned counsel appearing for the petitioner submitted that they had filed an RTI application and obtained information to the effect that the family members of the petitioner had lodged a complaint on 23.07.2025, alleging that the petitioner had been taken away by certain officers. Hence, it is contended that the petitioner was illegally detained, and only after three days, he was formally shown as arrested in connection with the alleged transportation of narcotic drugs. It was further submitted that though the case was taken up for trial in July 2023, there has been no progress thereafter, and the petitioner continues to remain in custody for a prolonged period. Hence,



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he sought bail on the ground of continuous incarceration.

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4. The learned Special Public Prosecutor appearing for the respondent submitted that all the grounds raised in the present petition had already been elaborately considered and rejected by this Court in its earlier order dated 19.11.2024 in Crl.O.P.No.25533 of 2024. He further submitted that the accused persons have not been cooperating with the trial proceedings. It was only recently that they engaged counsel, and the charges have been framed thereafter. The case is presently posted for fixing the date for trial.

5. In the meantime, this Court had called for a report from the Trial Court. The report submitted by the learned I Additional Special Judge, I Additional Special Court Trial under EC & NDPS Act, Chennai – 104, reads as follows:

“I submit that the case in C.C.No.324 of 2024 was made over to this Court and cognizance was taken on 13.05.2024. On 24.06.2024, copies were furnished to all the accused under Section 207 Cr.P.C. The charges were framed after engagement of counsel for all the accused and after affording them an opportunity to file discharge petitions, on 11.08.2025. The case is now posted to 31.10.2025 for fixing the date for trial.”



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6. The report of the Trial Court reveals that the accused persons have not been cooperating with the progress of the trial. It is also stated by the learned counsel for the petitioner that counsel was engaged only on 08.07.2024.

7. From the submissions made and the report received from the Trial Court, it is evident that though the complaint was filed through e-filing on 19.01.2024, the petitioner engaged his counsel only after six months. The report further discloses that some of the co-accused had not engaged counsel for a long period, and only recently they engaged the counsel. After granting liberty to file discharge petitions, charges were framed on 11.08.2025, and the case has now been posted for fixing the trial date.

8. Considering the above facts, this Court is of the view that it cannot be said that the petitioner is under long incarceration without progress in the trial, since the delay has been occasioned mainly due to the non-cooperation of the petitioner and other accused. They cannot be permitted to take advantage of their own conduct in delaying the trial proceedings. The



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contention regarding alleged illegal detention and delay has already been considered and rejected by this Court in the earlier bail order.

9. In view of the above facts and considering that the trial is now progressing, this Court is not inclined to grant bail to the petitioner.

10. Accordingly, this Criminal Original Petition stands dismissed.

03.11.2025

cda

To

1.The Intelligence Officer,
Union of India,
Narcotics Control Bureau,
Chennai Zonal Unit, Chennai.

2.The Public Prosecutor,
High Court of Madras.



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K.RAJASEKAR, J.

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