



Crl. O.P. No.6860 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

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Gokul S/o. Moorthy

... Petitioner / Accused-1

Vs.

Union of India,
through Junior Intelligence Officer,
Narcotic Control Bureau,
Chennai Zonal Unit.
(C.C. No.719 of 2024).

... Respondent

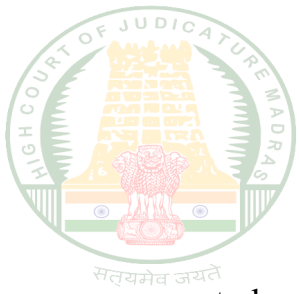
PRAYER: The Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail, in connection with the C.C. No.719 of 2024, pending on the file of I Additional Special Court for exclusive trial of cases under NDPS Act, Chennai.

For Petitioner : Mr.Sri Ganesh

For Respondent : Mr. Leonard Arul Joseph Selvam
Government Advocate (Crl. Side).

ORDER

This Criminal Original Petition has been filed by the petitioner, who was



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arrested and remanded to judicial custody on 08.02.2024 seeking bail in C.C. No.719 of 2024 on the file of I Additional Special Court for exclusive trial of cases under NDPS Act, Chennai registered for the offences under Sections 8(c), read with 22(c), 23(c), 28 and 29 of NDPS Act.

2. The case of the prosecution is that on secret information, the respondent seized 53 grams believed to be MDMA drugs from a parcel which had to be delivered to one Priya Dharamaraj, who is arrayed as A2; that after the seizure, the respondent prepared a similar dummy parcel and made arrangement for the same to be delivered to the consignee and requested the Sub Post Master of the Industrial Estate to be an independent witness; that on 03.05.2024, the petitioner along with the above said Priya came to the post office and enquired about the parcel; that the petitioner and the said Priya had also submitted the identity card and phone number to the post master; that later, the dummy parcel was handed over to the said Priya; that both the petitioner and the said Priya were summoned; that their confession revealed that the petitioner had ordered the tablets by giving the address of A2, with whom he had in live-in relationship.

3. The learned counsel appearing for the petitioner submitted that the

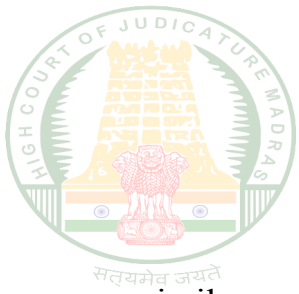


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petitioner is in judicial custody for more than one year; that his continuous incarceration without trial has violated his right under Article 21 of Constitution of India; that the respondent had only handed over the dummy parcel and no incriminating material was seized from the petitioner; and that the co-accused was granted bail by this Court vide order dated 10.12.2024 in Crl. O.P. No.20694 of 2024; that the twin conditions under Section 37 of NDPS Act has been satisfied by the petitioner and hence prayed for grant of bail.

4. The learned Government Advocate (Criminal side) appearing for the respondent reiterated the prosecution case and submitted the counter affidavit of the respondent.

5. This Court perused the counter affidavit of the respondent. It is seen from the counter that the dummy parcel was sent to trap the petitioner and the other accused. The prosecution has also produced other evidence to establish the involvement of the petitioner in ordering the said MDMA tablets in the name of A2. It is also seen that while the bail was granted to A2, this Court had observed that A2 was only a name lender and it was this petitioner, who had ordered the tablets to be sent through post. It is also seen that the petitioner has another



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similar case and is pending trial in C.C. No.1326 of 2022 on the file of Principal NDPS court, Madurai.

6. Considering the aforesaid facts, this Court is not inclined to consider the bail application, since the petitioner has not satisfied the twin conditions under Section 37 of NDPS act. At the same time, the petitioner cannot be incarcerated continuously without trial. Hence the trial Court is directed to conclude the trial as expeditiously as possible. If the trial is not concluded within a period of 6 months, the petitioner is at liberty to renew the bail application before this Court.

7. With the above directions, the Criminal Original Petition is dismissed.

21.03.2025

mjs

To

- 1.The I Additional Special Court for exclusive trial of cases under NDPS Act, Chennai.
- 2.The Union of India, through Junior Intelligence Officer, Narcotic Control Bureau, Chennai Zonal Unit.
3. The Public Prosecutor, High Court of Madras.

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SUNDER MOHAN., J.

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