



Crl.OP.No.8115 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 07.04.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.OP.No.8115 of 2025

Sakil Mustak

... Petitioner(s) /Accused-3

Vs.

State rep. by
Inspector of Police,
Avinashi Police Station,
Tiruppur District.
Crime No.117 of 2024

... Respondent(s)/ Complainant

Prayer: Criminal Original Petition filed under Section 483 of BNSS 2023, to enlarge the petitioner on bail in C.C.No.67 of 2024, pending trial on the file of the learned Additional District Judge/ Presiding Officer, Special Court for Essential Commodities Act Cases, Coimbatore.

For petitioner(s) : Mr.M.N.Balakrishnan

For Respondent(s) : M/s.J.R.Archana,
Government Advocate (Crl.Side)

ORDER

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



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was arrested and remanded to judicial custody on 06.03.2024, seeking bail 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 petitioner along with other accused were found in possession of 37 kilograms of Ganja.

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

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



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Considering the aforesaid facts and since the contraband seized was a commercial quantity and the petitioner has not satisfied the twin conditions imposed under Section 37 of the NDPS Act, this Court is not inclined to grant bail to the petitioner at this stage and accordingly, this criminal original petition is dismissed. However, the petitioner 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 petitioner is at liberty to renew the bail application before the trial Court.

07.04.2025

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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. Inspector of Police,
Avinashi Police Station,
Tiruppur District.
2. The Public Prosecutor,
Madras High Court,
Chennai.

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