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CrI.O.P.No.9620 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.06.2025

CORAM

THE HONOURABLE MR JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.9620 of 2025

Mohamed Jabir @ Jafar

... Petitioner/A3

Vs

The Intelligence Officer,
Narcotics Control Bureau,
Chennai Zonal Unit,
Chennai.

...Respondent/Complainant

Prayer:- Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023 to enlarge the petitioner on bail in
C.C.No.256 of 2021 on the file of the II Additional Special Court for NDPS
and EC Act Cases at Chennai pending trial.

For Petitioner : Mr.O.Chembulingam

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 14.04.2021, for the offences punishable under Sections 8(c) r/w 20(b)(ii)(c), 23(c), 28 and 29 of Narcotic Drugs & Psychotropic Substances Act, 1985 and facing trial before the II Additional Special Court for NDPS and EC Act Cases, Chennai, seeks bail.

2.The case of the prosecution is that the respondent police on secret information conducted search on the luggage of one Karpagam, who is the resident of Sharjah, at Kamarajar Domestic Terminal, Chennai Airport and found a box dumped with gift articles, in which, 6 packets each weighing 500 grams containing dark brown colour of substance seems to be 3 kgs. of Hashish found. On enquiry, she revealed that she received the said contraband from A2 on the instructions of the petitioner/A3. Hence, the case.

3. The contention of the learned counsel for petitioner is that the petitioner was arrayed as A3 in this case. For more than 4 ½ years the



petitioner has been in prison, the case is yet to reach its finality. Further, there is no recovery from the petitioner and A1 and A2 are total strangers to the petitioner. He further submitted that the petitioner was arrested on 14.04.2021 and the other accused were arrested on 10.04.2021, based on the confession of co-accused the petitioner was arrested. Hence, he prays for grant of bail to the petitioner.

4.The learned Special Public Prosecutor appearing for the respondent police submitted that in this case prosecution examined all the witnesses and the prosecution side evidence is closed on 13.12.2024. The petitioner as well as other accused have not chosen to cross examine any of the witnesses. The case is posted on 17.06.2025 for recall of PW2. The delay is the making of the petitioner and other accused. Now they cannot take advantage of this delay. Hence, strongly opposed for granting bail to the petitioner.

5.This Court finds that already prosecution side evidence closed and the petitioner as well as other accused not cross examined the witnesses so far. The points raised by the petitioner has to be put across to the



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witnesses and to be decided during trial. Hence, this Court is not inclined to entertain this bail application and the same is dismissed.

12.06.2025

rsi

Index : Yes/No

Speaking Order/Non Speaking Order

Neutral Citation: Yes/No

Internet: Yes/No

To:

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

2.The II Additional Special Court for NDPS and EC Act Cases,
Chennai.

3.The Public Prosecutor,
High Court of Madras,
Chennai – 600 104.



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M.NIRMAL KUMAR, J.

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