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Crl.O.P.No.9374 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.9374 of 2025

Manimaran

... Petitioner/ Accused No.2

Vs.

The State Rep. By,
The Inspector of Police,
T-15, SRMC Police Station,
Chennai.
(Crime No.465 of 2024)

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleaded to enlarge the petitioner on bail, in connection with Crime No.465 of 2024, pending investigation on the file of the respondent.

For Petitioner : Mr. K. Kanagaraj

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



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ORDER

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Petition seeking bail in respect of Crime No.465 of 2024 registered for the alleged offences punishable under Sections 8(c) r/w. 22(b), 22(c) and 29(1) of NDPS Act, 1985, is on board for consideration.

2. The case of the prosecution is that, based on a secret information, the respondent police went to the spot and found that the petitioner and other accused were found in illegal possession of 30 nos. of ECSTASY tablets, weighing about 12 grams and 8 grams of Methamphetamine. Hence, this case.

3. The learned counsel appearing for the petitioner submitted that the petitioner is innocent, he has been falsely implicated in this case and he has not committed any offence as alleged by the prosecution; that the petitioner has been arrested and remanded to judicial custody on 29.07.2024; that the co-accused was granted bail by this Court, vide order dated 28.01.2025 in Crl.O.P.No.32105 of 2024; and that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court and ready to co-operate for the investigation and prayed for bail to the petitioner.



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4. The learned Government Advocate (CrI. Side) appearing for the respondent reiterated the prosecution case and on instruction submitted that the petitioner is arrayed as A2 in this case; that the total contraband involved in this case is of commercial quantity; that the petitioner has five previous cases, including three 302 IPC cases and two NDPS Act cases; that the investigation is completed, charge sheet has been filed and trial is pending in C.C.No.871 of 2024 before the Principal Special Judge, Special Court for EC & NDPS Act, Chennai, hence opposed for grant of bail to the petitioner.

5. In view of the submissions made by the learned counsels on either side, considering the facts and circumstances of the case, this Court is of the view that the petitioner has not satisfied the twin conditions under Section 37 of the NDPS Act. Therefore this Court is not inclined to grant bail to the petitioner at this stage. However, the petitioner cannot be indefinitely detained during the trial. Hence it would be desirable to direct the Trial Court to conclude the trial as expeditiously as possible. If the trial is not concluded within six months, the petitioner is at liberty to renew his bail application before the Trial Court.



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SUNDER MOHAN, J.

stn

6. Accordingly, this Criminal Original Petition is disposed of.

28.03.2025

stn

To

The Inspector of Police,
T-15, SRMC Police Station,
Chennai.
(Crime No.465 of 2024)

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