



WEB COPY



Crl.O.P.No.13948 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.11.2025

CORAM

THE HONOURABLE MR. JUSTICE K.RAJASEKAR

Crl.O.P.No.13948 of 2025

Jiban Biswas

... Petitioner

Vs.

The State represented by
The Inspector of Police,
PEW, Pallikaranai Unit.
(Crime No.54 of 2024)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the Petitioner/Accused on bail in
Crime No.54 of 2024 on the file of the respondent police.

For Petitioner : M/s.P.Keerthana
for M/s.Murali Law Firm

For Respondent : Mr.A.Gopinath,
Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 12.02.2024, for the offence punishable under Sections 8(c) r/w
20(b)(ii)(C), 29(1), 25 of NDPS Act, in Crime No.54 of 2024, registered on
the file of the respondent, seeks bail.



Crl.O.P.No.13948 of 2025

2. This Court, by order dated 03.01.2025 in Crl.O.P.No.30197 of 2024, had dismissed the bail application of the petitioner on merits thrice.

This is the fourth bail application. It was submitted by the learned counsel for the petitioner that there is no progress in the trial and that the petitioner has been in custody for a longer period. Considering the submissions made by the learned counsel for the petitioner, this Court called for a report from the Trial Court regarding the present stage of the case, and the report is stated as follows:

"In the above case already PW1 and PW2 have been examined and it was posted to 12.05.2025 for examination of LW3 to LW5. From 12.05.2025 to 06.06.2025 witness have not been examined by the prosecution, in the mean time on behalf of one of the accused Crl.M.P.No.3891 of 2025 has been filed and that has been disposed on 28.07.2025. On account of the pendency of the Crl.M.P.No.3891 of 2025 in the main witness could not be examined. The above said Crl.M.P.No.3891 of 2025 was filed by A3 Shashi Kumar for recall of PW1 and PW2 and that was allowed by this Court on 28.07.2025.

Subsequently since there was an earlier direction given by the Hon'ble High Court in Crl.O.P.No.18789 of 2024 this Court has directed the prosecution to examine the witness without fail on every hearing. In spite of the specific direction given by this Court from 25.08.2025 to 27.10.2025 LW3 to LW5 have not been examined by the prosecution. Now the case stands posted to 05.11.2025 for examination of LW5 namely the Lab witness. After that two more investigation officers have to be examined. More over as already submitted, PW1 and PW2 have not been cross examined by A3 and already an order has been passed for recall."



Crl.O.P.No.13948 of 2025

WEB COPY

3. The report submitted by the Trial Court reveals that the accused are not cooperating in completing the trial and that certain witnesses are yet to be examined. It was also stated that the witnesses had to be recalled and that the process of their examination is pending. Considering the fact that there has been some progress in the trial and the accused have participated in the trial process, it cannot be said that there is no progress or that they are in continuous incarceration without trial. Hence, this Court is of the view that since the trial is progressing and the petitioner is not in custody without any trial proceedings, this Court is not inclined to consider the bail application.

4. Accordingly, this criminal original petition stands dismissed.

05.11.2025

cda

K.RAJASEKAR, J.



WEB COPY



Crl.O.P.No.13948 of 2025

cda

To

- 1.The Inspector of Police,
PEW, Pallikaranai Unit.
- 2.The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.13948 of 2025

05.11.2025