



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.07.2025

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THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.11969 of 2025

A.Gopalakrishnan

.. Petitioner/A1

Vs.

State Rep. by
Union of India Through
Intelligent Officer,
Narcotics Control Bureau,
Chennai.
(Madurai Sub-Zone
under Chennai Zonal Unit)
NCB F.No.48/1/02/2022/NCB/MDU

.. Respondent

PRAYER: Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail pending trial in Spl.C.C.No.01 of 2023 on the file of the learned Additional District Judge and Presiding Officer of Special Courts under E.C and NDPS Act at Salem (FAC).

For Petitioner : Mr.S.Suresh
for Mr.G.Nirmalkrishnan

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



ORDER

The petitioner, who was arrested and remanded to judicial custody on 02.05.2022 for the offences punishable under Sections 8(c) r/w 21(C), 27-A, 28 and 29 of N.D.P.S Act 1985 and under Sections 21(C), 23, 27A, 28 and 29 of NDPS Act 1985 as amended in Spl.C.C.No.01 of 2023, on the file of the learned Additional District Judge and Presiding Officer of Special Courts under E.C and NDPS Act at Salem (FAC), seeks bail.

2. The contention of the petitioner/A1 is that the petitioner was the driver of the vehicle. His vehicle was intercepted by the respondent near Thoppur Toll Plaza when the vehicle was proceeding towards Dharmapuri, and 3 kgs of Heroine were seized from the vehicle. The petitioner and the co-passenger of the vehicle were both arrested by the respondent police on 01.05.2022. A3 and A4, on whom the contraband was found, were arrested. Later, A3 and A4 were granted bail by this Court in Crl.O.P.No.4489 of 2023 dated 03.03.2023 and Crl.O.P.No.22749 of 2023 dated 02.11.2023. When A3 and A4 had been granted bail, to whom the contraband was intended. Thus, because the petitioner had been the carrier when the



petitioner had driven the vehicle and the contraband was found in his vehicle, it cannot have been intended for him. The petitioner has no previous case. He further submits that after more than three years, the trial is yet to proceed. Hence, on the ground of delay, he prays to grant bail to the petitioner.

3. A counter affidavit has been filed by the respondent.

4. Learned Government Advocate (CrI.Side) appearing for the respondent while opposing the grant of bail to the petitioner submits that in this case, on the conclusion of the investigation, a complaint was filed on 20.10.2022 and charges had also been framed. Since there was no Presiding Officer in the Court, the case was delayed, for which the prosecution cannot be penalized. Now the Presiding Officer has been posted. The case has been posted for examination of L.W-1 and L.W-2 on 04.08.2025. There are only limited witnesses, and the witnesses can be examined, and the trial itself can be completed within the stipulated period. He further submits that the petitioner was found with 2 grams of contraband seized from his vehicle.



The bail granted for A3 and A4 is on the ground that from them no contrabands have been seized. The investigation was completed, and a complaint was filed on 22.10.2025, and the trial could not progress only for the reason that there was no Presiding Officer. Now the Presiding Officer has been posted.

5. Heard both sides and perused the materials available on record.

6. The judgment of the Hon'ble Supreme Court in the case of **State by (NCB) Bengaluru Vs. Pallulabid Ahmad Arimutta and Another** reported in **2022 Live Law (SC) 69**, which held as follows:

“Having gone through the records along with the tabulated statement of the respondents submitted on behalf of the petitioner-NCB and on carefully perusing the impugned orders passed in each case, it emerges that except for the voluntary statements of A1 and A2 in the first case and that of the respondents themselves recorded under Section 67 of the NDPS Act, it appears, prima facie, that no substantial material was available with the prosecution at the time of arrest to connect the respondents with the allegations levelled against them of indulging in drug trafficking. It has not been denied by the prosecution that except for the respondent in SLP(Crl)No.1569 of 2021, none of the other respondents were found to be in possession of commercial quantities of psychotropic substances, as



contemplated under the NDPS Act.”

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7. There are materials to show that the petitioner was in contact with the other accused. The call details records confirm the same. The veracity of the call details can be decided only during trial and not at this stage.

8. Considering the facts and circumstances of the case and submissions made by the learned counsels on either side, this Court is not inclined to grant bail, and the **Trial Court is directed to expedite and conclude the trial within a period of six months from the date of this order.**

9. With the above observations and direction, this criminal original petition stands dismissed.

24.07.2025

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To

Crl.O.P.No.11969 of 2



M.NIRMAL KUMAR, J.

cda

- 1.The Additional District Judge and Presiding Officer of
Special Courts under E.C and NDPS Act, Salem.
- 2.Intelligent Officer,
Union of India,
Narcotics Control Bureau,
Chennai.
(Madurai Sub-Zone
under Chennai Zonal Unit)
NCB F.No.48/1/02/2022/NCB/MDU
- 3.The Central Jail, Salem.
- 4.The Public Prosecutor,
Madras High Court, Chennai.

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