



CrI.O.P.No.11704 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.04.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

CrI.O.P.No.11704 of 2024

Sujanthan,
S/o. Chokkalingam

... Petitioner

Versus

Union of India,
Rep. By its Jr. Intelligence Officer,
Narcotics Control Bureau,
Chennai Zonal Unit, Chennai.

... Respondent

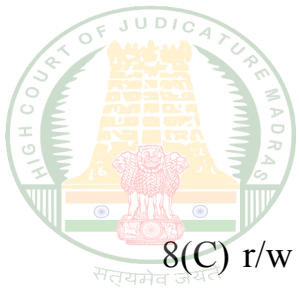
PRAYER: Criminal Original Petition filed under Section 439 of Criminal Procedure Code, 1973, pleased to enlarge the petitioner/2nd accused on bail, in connection with C.C.No.91 of 2020 on the file of the Court of Learned I-Additional Special Judge for NDPS and EC Act Cases, Chennai.

For Petitioner : Mr. R. Thamarai Selvan

For Respondent : Mr. N. P. Kumar,
Special Public Prosecutor. (NCB)

ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 14.02.2020, seeking bail in C.C.No.91 of 2020 pending on the file of the I-Additional Special Judge for NDPS and EC Act Cases, Chennai, for the offences punishable under Sections



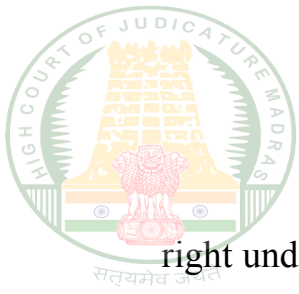
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8(C) r/w 22(C), 28 and 29 of the Narcotic Drugs and Psychotropic Substances Act, (NDPS), 1985.

2. The case of the prosecution is that the petitioner, along with three others was found in possession of 5 Kg of 'ICE' Methamphetamine white crystal powder. Hence, the case.

3. This is the fourth bail application before this Court. The earlier bail application in Crl.OP.No.3307 of 2024 was dismissed on 05.04.2024 by the Hon'ble Dr.Justice G. Jayachandran and this bail petition is listed before this Court pursuant to the orders passed by the Hon'ble Division Bench of this Court in Crl.O.P.No.31787 of 2024 on 04.03.2025.

4. Learned counsel for the petitioner submitted that while dismissing the earlier bail Application in Crl.OP.No.3307 of 2024 on 05.04.2024, the learned Special Public Prosecutor stated before this Court that trial was almost completed and that the trial would be concluded soon; that the trial has not been completed so far; and that considering the period of incarceration of the petitioner from 14.02.2020, which is in violation of the petitioner's fundamental



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right under Article 21 of the Constitution of India, he may be released on bail.

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5. Learned Special Public Prosecutor (NCB) appearing for the respondent police opposed the grant of bail to the petitioner, reiterated the case of the prosecution and submitted that all the witnesses have been examined and the petitioner had also cross-examined most of the witnesses; and that the trial will be concluded within two months.

6. Heard the learned counsel for the petitioner and the learned Special Public Prosecutor (NCB) appearing for the respondent Police and perused the materials available on record.

7. Though the petitioner is in judicial custody from 14.02.2020, since the petitioner was in possession of commercial quantity, this Court is not inclined to consider the bail application of the petitioner at the fag end of the trial. However, the petitioner cannot be indefinitely detained pending trial. Hence, this Court directs the Trial Court to conclude the trial as expeditiously as possible. If the trial is not concluded within a period of two months, the petitioner is at liberty to renew the bail application.



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

01.04.2025

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To

1. The I-Additional Special Court for NDPS Act Cases
and EC Act Cases, Chennai.
2. Union of India,
Rep. By its Jr. Intelligence Officer, Narcotics Control Bureau,
Chennai Zonal Unit, Chennai.
3. The Superintendent of Prison, Puzhal, Chennai.
4. The Public Prosecutor, High Court of Madras.



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SUNDER MOHAN, J.

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