



WEB COPY



Crl.O.P.No.18263 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-12-2025

CORAM

THE HONOURABLE MR JUSTICE K. RAJASEKAR

CRL OP NO.18263 of 2025

Somaraj @ Babai

... Petitioner/ A1

Vs

1. The Assistant Commissioner of Police,
Washermenpet Police Circle,
Todiarpur, Chennai-81.

2. The State rep. by,
The Inspector of Police,
H1, Washermenpet Police Station,
Washermenpet, Chennai.
(Crime No.102 of 2023)

... Respondent

PRAYER : Criminal Original Petitions filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to grant bail to the petitioner/accused in
C.C.No.708 of 2023 pending on the file of the Principal Special District
Judge EC & NDPS Court.

For Petitioner(s) : M/s. R. Saranya

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



ORDER

WEB COPY

The petitioner herein, who was arrested and remanded to judicial custody on 19.03.2023 for the offences punishable under Sections 8(c) r/w 20(b)(ii)(C), 29(1) of NDPS Act, 1985 in C.C. No.708 of 2023 on the file of the Principal Special District Judge EC & NDPS Court, seeks bail. This is the successive bail application of the petitioner and the earlier bail application of the petitioner was dismissed by this Court, vide order dated 27.09.2024 in Crl.O.P.No.23533 of 2024 on the following reasons:

"6. Considering the representation made on either side and considering the fact that the quantity of material involved in this case comes under the commercial quantity and also considering the fact that the entire contraband has been recovered from the petitioner, this Court decline to grant bail to the petitioner at this stage."

2. The allegation against the petitioner herein is that, the petitioner along with other accused were found in illegal possession of 21 kilograms of Ganja, which is a commercial quantity.

3. The learned counsel appearing for the petitioner submitted that the petitioner has been falsely implicated in this case; that there are violations made by the respondent during the alleged seizure of contraband and there is



no video evidence or any other proof to connect the contraband with the petitioner herein and also producing the contraband before the Trial Court; that the trial is not progressing and the petitioner is in judicial custody since 19.03.2023; that one of the accused/ A3 in this case was already died; and that the petitioner is ready to abide by any condition that may be imposed by this Court and sought for bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent while opposing the bail to the petitioner submitted that all the mandatory provisions were complied and then the petitioner was arrested; that further the contraband involved in this case is of commercial quantity and Section 37 of the NDPS Act mandates the petitioner to establish that he is not guilty of the offence.

5. Considering the period of incarceration undergone by the petitioner herein, this Court has called for report from the Trial Court regarding the each stage of the case, including the co-operation of the accused in the trial. On perusal of the report from the Trial Court, it is revealed that, the co-accused/ A3 was already died and the petitioner herein/ A1 and other accused/ A2 have not taken any steps to engage counsels to defend them, in spite of steps taken by the Trial Court for assisting them



Crl.O.P.No.18263 of 2025

through Legal Aid. It is further revealed that only on 28.04.2025, a vakalath has been filed on behalf of both accused/ A1 and A2 had engaged their counsel, hence the report from the Trial Court clearly shows that the petitioner herein had delayed the trial process and not co-operated with the Trial Court to complete the Trial.

6. Considering the above facts, nature of offence, the quantity of contraband involved in this case and taking note of the fact that the petitioner herein is the reason for delaying the trial process, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, this criminal original petition stands dismissed.

05.12.2025

stn

To

1. The Assistant Commissioner of Police,

4/6



Crl.O.P.No.18263 of 2023

Washermenpet Police Circle,
Todiarpeta, Chennai-81.

2. The State rep. by,
The Inspector of Police,
H1, Washermenpet Police Station,
Washermenpet, Chennai.
(Crime No.102 of 2023)

3. The Public Prosecutor,
High Court of Madras.

K. RAJASEKAR, J.

stn



WEB COPY



Crl.O.P.No.18263 of 2025

Crl.O.P. No.18263 of 2025

05.12.2025