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Crl.O.P.No.17669 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.09.2025

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.17669 of 2025

Ramesh

... Petitioner

Vs.

State Rep. By,
Union of India,
Narcotics Control Bureau,
Through the Intelligence Officer,
Narcotics Control Bureau,
Chennai Zonal Unit,
Chennai.
(R.R.No.32 of 2021)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in C.C.No.83 of 2022 pending trial on the file of the learned Principal Special Judge, I Additional Special Court for Exclusive Trial Cases under NDPS Act.

For Petitioner : Mr.K.G.Senthil Kumar

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



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ORDER

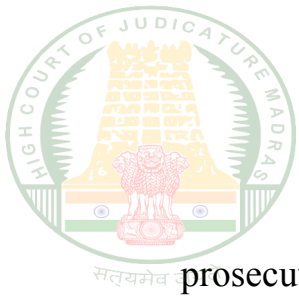
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The petitioner, who was arrested and remanded to judicial custody on 07.07.2022, for the offences punishable under Section 8(c) r/w Sections 22(c), 28 & 29 of NDPS Act, 1985 in R.R.No.32 of 2021 in N.C.B.F.No.48/1/02/2022-NCB/MDS, registered on the file of the respondent, seeks bail.

2. The petitioner herein, a truck driver, was found with 7.900 kgs of Methamphetamine, which was recovered while he was transporting it from Moraking to Chennai.

3. Learned counsel appearing for the petitioner submitted that the petitioner was arrested on 24.08.2021 and has been in custody since then. The other accused persons have already been enlarged on bail. As far as this petitioner is concerned, he has been in prison for more than three years, and hence, he may be released on bail on conditions.

4. A counter filed by the respondent indicates that a commercial quantity of 7.900 kgs of Methamphetamine, was transported in his truck. The



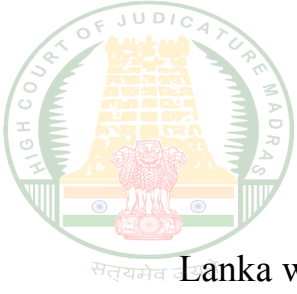
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prosecution has completed the examination of witnesses, and some of the accused have filed applications for recall of witnesses, and on that account, there is a delay.

5. Learned counsel for the petitioner, citing the judgment of the Hon'ble Supreme Court, submitted that if there is inordinate delay in completing the trial, considering long incarceration, even under the NDPS Act, despite Section 37, a bail petition can be considered by giving predominance to Article 21 of the Constitution of India.

6. This Court, though agreeing with the said proposition of law laid down by the Hon'ble Supreme Court, finds that in the present case, the delay in trial is not due to the prosecution. Long incarceration has to be viewed in the light of the gravity of the offence as well as the statutory bar under Section 37 of the NDPS Act, in relation to Article 21 of the Constitution of India. As far as this case is concerned, the interest of the public prevails over the personal liberty of the accused, who is alleged to have been involved in trafficking Methamphetamine of commercial quantity from Assam to Tamil Nadu for distribution in Tamil Nadu and for further transportation to Sri



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सत्यमेव जयते
Lanka with the help of the other accused persons.
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7. Considering the international ramifications involved in this case, this Court is not inclined to grant anticipatory bail to the petitioner.

8. Accordingly, this criminal original petition stands dismissed.

cda

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To

- 1.The Principal Special Judge,
I Additional Special Court for Exclusive Trial Cases under NDPS Act,
Chennai.
- 2.The Intelligence Officer,
Narcotics Control Bureau,
Chennai Zonal Unit,
Chennai.
- 3.The Central Prison, Puzhal.
- 4.The Public Prosecutor,
High Court of Madras.



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Dr.G.JAYACHANDRAN, J.

cda

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