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CRL OP NO. 28555 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **04-04-2025**

CORAM

**THE HONOURABLE MR JUSTICE SUNDER MOHAN**

**CRL OP NO. 28555 of 2024**

Rafiq Nasar  
S/o. Rasul Khan, No.40/85, Bangaru Street,  
Annasalai, Chennai - 600 002.

Petitioner(s)

Vs

Central Rep.By  
Intelligence Officer, NCB, South Zone, Chennai.

Respondent(s)

**For Petitioner(s):** Mr.C.S.Saravanan

**For Respondent(s):** Ms.J.R. Archana, GA (Crl.Side)

### **ORDER**

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 14.05.2023 seeking bail in connection with the case in C.C.No. 580 of 2024, registered for the offences under 8(c) r/w 22(c), 28 an 29 of NDPS Act.

2. The case of the prosecution is that the petitioner along with A1 were found in possession of 2kg of Methamphetamine, which is a commercial quantity.



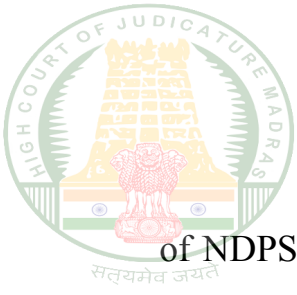
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3. The learned counsel for the petitioner would submit that the petitioner is in judicial custody from 14.05.2023; that charges have not been framed so far; that the trial is yet to commence and he is in continuous incarceration for a long period. He further submitted that while dismissing the earlier bail Application in Crl.OP.No.13877 of 2024 on 23.07.2024, this Court had directed the trial Court to dispose the case as early as possible; that the trial has not commenced; and that the petitioner's continuous incarceration without trial would violate his fundamental right under Article 21 of the Constitution of India and sought for bail.

4. Learned Special Public Prosecutor(CBI) submitted that the contraband seized from the petitioner along with A1 is a commercial quantity of 2kg of Methamphetamine and he has not satisfied the twin conditions under Section 37 of the NDPS Act. He would further submit that the 1<sup>st</sup> accused has filed the discharge petition, which caused the delay in the commencement of the trial.

5. The petitioner along with A1 was found in possession of huge commercial quantity of 2kg of Methamphetamine, which is a commercial quantity. The petitioner has not satisfied the twin conditions under Section 37



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of NDPS Act. It is a fact that, though this Court directed the trial to complete the trial as early as possible, the trial has not been commenced so far. Hence this Court is of the view that the trial Court can be directed to conclude the trial as expeditiously as possible. If the trial is not concluded within a period of six(6) months from the date of receipt of a copy of this order, the petitioner shall be at liberty to renew the bail application before the trial Court.

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

**04-04-2025**

msv/ak

To  
The Intelligence Officer, NCB,  
South Zone, Chennai.



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**SUNDER MOHAN, J.**

msv/ak

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