



WEB COPY



Crl.O.P.No.1114 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.03.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.1114 of 2025

Saimon Debbarma

... Petitioner/A1

Vs.

State Rep. by

The Inspector of Police

PEW Tambaram Unit Police Station

Crime No.272 of 2023

... Respondent

PRAYER: Criminal Original Petitions filed under Section 483 of BNSS, to enlarge the petitioner on bail in C.C.No.75 of 2024 (on the file of the Special Judge, II Additional Special Court for exclusive trial of cases under NDPS Act, Chennai) in Crime No.272 of 2023.

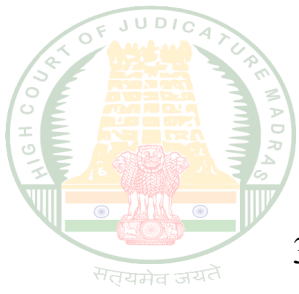
For Petitioner : Mr.K.A.M.Jagadish Kumar

For Respondent : Ms.J.R.Archana
Government Advocate (Crl. Side)

ORDER

The Criminal Original Petition has been filed by the Petitioner/A1, who was remanded to judicial custody on 11.07.2023, seeking bail in C.C.No.75 of 2024 (on the file of the Special Judge, II Additional Special Court for exclusive trial of cases under NDPS Act, Chennai) in Crime No.272 of 2023 registered for the offence under Sections 8(c) r/w.20(b)(ii)(C) and 29 of NDPS Act.

2.The case of the prosecution is that the Petitioner along with another accused was found to be in possession of 30 kgs of ganja, a commercial quantity.



CrI.O.P.No.1114 of 2025

3.This is the fourth bail application before this Court. The earlier bail application in CrI.OP.No.23899 of 2024 was dismissed on 18.10.2024 by the Hon'ble Mrs.Justice T.V.Thamilselvi and this bail petition is listed before this Court pursuant to the orders passed by the Hon'ble Division Bench of this Court in CrI.O.P.No.31787 of 2024 on 04.03.2025.

4.Learned counsel appearing for the Petitioner submitted that while dismissing the earlier bail Application in CrI.OP.No.23899 of 2024 on 18.10.2024, this Court had directed the trial Court to dispose the case within a period of three months from the date of receipt of a copy of that order, however, the trial has not been commenced and the petitioner's continuous incarceration would affect his fundamental right under Article 21 of the Constitution of India and sought for bail.

5.Learned Government Advocate (CrI.Side) appearing for the respondent police, while opposing for grant of bail to the petitioner, reiterated the case of the prosecution. The learned Government Advocate further submitted that the petitioner is a resident of West Tripura and does not have permanent residence in Tamil Nadu and the petitioner has to satisfy the twin conditions of Section 37 of NDPS Act.

5.Heard the learned counsel appearing for the Petitioner and the learned Government Advocate (CrI. Side) for the respondent Police and perused the



Crl.O.P.No.1114 of 2025

materials available on record.

WEB COPY 6.The petitioner was found in possession of 30 kgs of ganja, which is a commercial quantity. Hence, unless the petitioner satisfies the twin conditions under Section 37 of NDPS Act, he cannot be released. It is a fact that, though this Court directed the trial to complete the trial within a period of three months, the trial has not been commenced so far. It is the case of the prosecution that they were not responsible for the delay. 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 four 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.

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

25.03.2025

sai

To

1.The II Additional Special Judge for
EC and NDPS Act Cases at Chennai.

2.The Inspector of Police
PEW Tambaram Unit Police Station

3.The Public Prosecutor,
High Court of Madras.



WEB COPY



Cr1.O.P.No.1114 of 2025

SUNDER MOHAN, J.
sai

Cr1.O.P.No.1114 of 2025

25.03.2025