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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.03.2025

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THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.Nos.1874 & 1886 of 2025

U.Chukwuka Calistus ... Petitioner/A1 in Crl.OP.1874 of 2025

Godswin Ifeanyi ... Petitioner/A2 in Crl.OP.1886 of 2025

Vs.

Union of India through Intelligence Officer
Narcotics Control Bureau
Chennai Zonal Unit
Chennai
C.C.No.324/2024 ... Respondent

PRAYER: Criminal Original Petitions filed under Section 483 of BNSS, to enlarge the petitioners on bail pending trial in C.C.No.324 of 2024 on this Court.

For Petitioners : Mr.J.Arokhiaraj

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

COMMON ORDER

These Criminal Original Petitions have been filed by the Petitioners/A1 & A2, who were remanded to judicial custody on 27.07.2023, seeking bail in C.C.No.324 of 2024, registered for the offence under Sections 8(c) r/w.20(b)(ii)(A), 21(b), 22(c), 28 and 29 of NDPS Act, 1985 as amended and punishable u/s.8(c) r/w.Section 20(b)(ii)(A), 21(b), 22(c), 28 & 29 of the same

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Act.

2.The case of the prosecution is that the petitioners along with A3 were found to be in joint possession of 78 grams of white colour substance believed to be Cocaine, 10 grams of two balls of dark green colour substance believed to be Hashish and 0.31 grams LSD, which is a commercial quantity.

3.Learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He also submitted that since the mandatory provisions under Section 50 of NDPS Act has not been followed, the petitioners may be released on bail.

4.Learned Government Advocate (Crl.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 petitioners and A3 were in joint possession of commercial quantity of contraband. He further submitted that the case is at the stage of framing of charges. Hence, prayed for dismissal.

5.Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Crl. Side) for the respondent Police and perused the materials available on record.

6.It is a well settled law that the accused cannot be detained without trial for a long period. At the same time, in a case of this nature, unless the

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accused satisfies the twin conditions of Section 37 of NDPS Act, the accused cannot be released. Hence this Court is of the view that in the interest of justice the trial Court may complete the trial as expeditiously as possible. If the trial is not concluded within a period of six months from the date of receipt of a copy of this order, the petitioner shall be at liberty to renew the bail application.

7.Accordingly, these Criminal Original Petitions are disposed of.

24.03.2025

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To
1.The Special Judge,
I Additional Special Court for exclusive trial of cases under NDPS Act,
Chennai

2.The Intelligence Officer
Narcotics Control Bureau
Chennai Zonal Unit
Chennai

3.The Public Prosecutor,
High Court of Madras.

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SUNDER MOHAN, J.

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