



Crl.O.P.No.30985 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.04.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.30985 of 2024

V. Jagadeeswaran,
S/o. Velayudham,
No.3/306, Annadurai Street,
M.A. Street, Thiruvallur – 600 052.

... Petitioner

Versus

Narcotics Control Bureau,
Rep.by Intelligence Officer,
Chennai Zonal Unit,
Chennai – 600 077.

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, pleased to enlarge the petitioner on bail in Crime C.C.No.83 of 2022 in R.R.No.32 of 2022 in NCB F.No.48/1/09/2021-NCB/MDS on the file of the respondent.

For Petitioner : Mr. D.S. Rajasekaran

For Respondent : Mr. N. P. Kumar,
Special Public Prosecutor.
(for DRI cases)



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ORDER

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This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 26.08.2021, seeking bail in C.C.No.83 of 2022 pending on the file of the I-Additional Special Court for Exclusive Trial of Cases under NDPS Act, Chennai, in R.R.No.32 of 2021 registered for the offence under Sections 8(C) r/w 22(C), 28 & 29 of NDPS Act.

2. The case of the prosecution is that the petitioner, along with other accused, was found in possession of 7.9 kgs of white coloured crystalline substance believed to be Amphetamine, which is a commercial quantity. Hence the case.

3. This is the second bail application before this Court. The earlier bail application in Crl.OP.No.16275 of 2024 was dismissed on 12.08.2024 by the Hon'ble Mr. Justice P.Dhanabal, and this bail petition is listed before this Court pursuant to the orders passed by the Hon'ble Division Bench of this Court in Crl.O.P.No.31787 of 2024 on 04.03.2025.



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4. Learned counsel for the petitioner submitted that though the earlier bail application in Crl.OP.No.16275 of 2024 on 12.08.2024, was dismissed on the ground that the petitioner did not satisfy the twin conditions under Section 37 of the NDPS Act, and that the petitioner's continuous incarceration is in violation of his right under Article 21 of the Constitution of India and sought for bail.

5. The learned Government Advocate (Crl.Side) opposed the grant of bail to the petitioner. He submitted that the trial has commenced; that out of 8 witnesses, 6 witnesses have been examined, that the trial would be concluded within three months; and that since the trial is at its fag end and sought for dismissal of the petition.

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

7.It is seen that the trial Court has commenced, and six out of eight witnesses have been examined.



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8. The petitioner is in judicial custody since 26.08.2021 and though he was found in possession of commercial quantity of contraband, he cannot be incarcerated continuously pending trial.

9. Hence, this Court is inclined to direct the learned trial Judge, to complete the trial as expeditiously as possible. If the trial is not concluded within three months, the petitioner is at liberty to renew his bail application before the Trial Court. It is needless to say that if the delay is caused by the petitioner/accused, the petitioner would not be entitled to the aforesaid relief.

10. With the above observations and directions, this Criminal Original Petition is disposed of.

01.04.2025

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To

1. The I-Additional Special Judge for Exclusive Trial of Cases under NDPS Act, Chennai.
2. The Principal Sessions NDPS Court.
3. The Superintendent, Central Prison-II, Puzhal, Chennai.
4. The Public Prosecutor, High Court of Madras.



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SUNDER MOHAN, J.

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