



Crl. O.P. No.2586 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.03.2025

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THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl. O.P. No.2586 of 2025

Surulivel S/o. Ramar

... Petitioner / Accused

Vs.

Union of India,
represented by its Intelligence Officer,
Narcotics Control Bureau,
Chennai Zonal Unit, Chennai.
(NCB F.No.48/1/02/19-NCB/MDS).

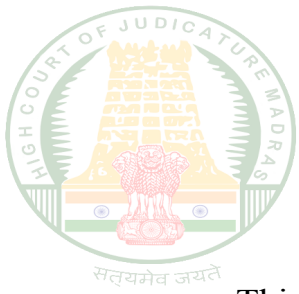
... Respondent

PRAYER: The Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail, in connection with the case in NCB F. No.48/1/02/19-NCB/MDS, pending investigation on the file of the respondent Police.

For Petitioner : Mr.S. Kasirajan

For Respondent : Mr. N.P. Kumar,
Special Public Prosecutor for NCB
cases.

ORDER



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This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 08.01.2019 seeking bail in NCB F. No.48/1/02/19-NCB/MDS registered for the offences under Sections 8(c) read with 20(c), 20(b)(ii)(C), 27(A), 28 and 29 of NDPS Act.

2. The case of the prosecution is that on receipt of secret information, about transportation of Ganja, the respondent police along with his team intercepted the vehicle with the petitioner along with two other accused and conducted a search in the car, they found the petitioner along with other accused are involved in illegal transportation of 50 packets of Ganja, weighing around 107 kgs of Ganja. Accordingly, the complaint was registered against the petitioner. Hence the case.

3. This is the sixth bail application before this Court. The earlier bail application in Crl. O.P. No.19589 of 2024 was dismissed on 26.09.2024 by Hon'ble Mr.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 Crl.O.P.No.31787 of 2024 on 04.03.2025.

4. While dismissing the earlier bail application, this Court had made the



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following observations.

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“Considering the facts and circumstances of the case and the submissions made by both counsel and also considering gravity of offence committed by the petitioner transporting 107 kgs of Ganja, which is a commercial quantity and now the trial was completed and all the prosecution witnesses were examined and now the case is posted for 313 questioning on 14.10.2024 and the fact that due to a recall petition seeking to recall the witnesses filed by the petitioner, now the case is pending and the fact that if he is released on bail, there is possibility of tampering the witnesses and hampering the investigation and the fact that there is no change of circumstances, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed”

5. The learned counsel appearing for the petitioner submitted that the trial has not concluded; that the earlier bail application was dismissed on the ground that the case is at the fag end and was posted for 313 questioning; that the petitioner is in incarceration from 2019 and he has completed more than 1/3rd of the sentence and in any case, further incarceration of the petitioner would violate his right under Article 21 of the Constitution of India and therefore, considering the period of incarceration and relying upon the judgment of the Hon'ble Supreme Court in *Rabi Prakash vs. State of Odisha* reported in 2023 SCC Online SC 1109 and *Ankur Chaudhary vs. State of Madhya Pradesh* in Special Leave to Appeal (Crl).No.4648 of 2024, sought for bail.



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6. The learned Special Public Prosecutor for NCB cases appearing for the respondent reiterated the prosecution case and on instructions submitted that the case is now posted for defence witnesses; and that the trial will be concluded very soon; and that the similarly placed co-accused are still in custody.

7. Considering the aforesaid facts, rival submissions made by the learned counsels on either side, the fact that the trial is at the fag end and the trial is likely to be completed very soon, this Court is not inclined to grant bail at this stage. However, if the trial is not completed within a period of **2 months** from today, the petitioner is entitled to renew his bail application before the trial Court.

8. With the above said directions, the Criminal Original Petition is closed.

25.03.2025

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To

1.Union of India, represented by its Intelligence Officer, Narcotics Control Bureau, Chennai Zonal Unit, Chennai.

2. The Public Prosecutor, High Court of Madras.



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SUNDER MOHAN., J.

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