



WEB COPY

Cr1.O.P.No.2451 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.03.2025

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THE HON'BLE MR. JUSTICE SUNDER MOHAN

Cr1.O.P.No.2451 of 2025

Vanthala Murali

... Petitioner

Vs.

The Union represented by
The Intelligence Officer
Narcotic Control Bureau
Chennai Zonal Unit
Ayapakkam
Ambattur, Chennai 600 077
(R.R.No.15 of 2019)

... Respondent

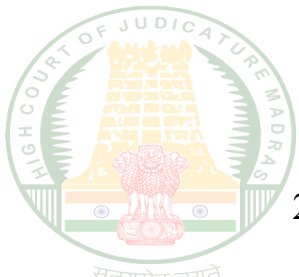
PRAYER: Criminal Original Petition filed under Section 483 of BNSS, to enlarge the petitioner on bail in C.C.No.38 of 2020 pending on the file of the learned I Additional Special Court Exclusive Trial of NDPS Act Cases. Chennai.

For Petitioner : Mr.S.Kasirajan

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

ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 24.10.2019, seeking bail in Crime No.32 of 2023, registered for the offence under Section 8(b) r/w.20(b)(ii)(C), 25, 28 and 29 of NDPS Act.

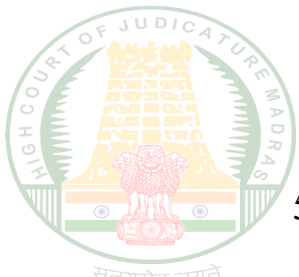


2.The case of the prosecution is that the petitioner along with the co-accused was found in possession of 76 packets of ganja, weighing 187.300 kgs.

3.Learned counsel appearing for the petitioner submitted that the co-accused was arrested and released on bail and that the petitioner is in custody from 24.10.2019 and that the trial is still going on and sought for bail.

4.Learned Government Advocate (Cr1. Side) appearing for the respondent has filed counter affidavit and submitted that the trial is being delayed by the petitioner. The relevant portion of the counter reads as follows:

“Deposition of witness in this case was started on 01.06.2023 and the same listing/prosecution witness phase continued till 27.03.2024. All prosecution witnesses were examined by the Hon'ble Court timely and accordingly. Later on 18.09.2024 one defence witness Mr.Ramasiva was produced by the defence council. Defence council after that seeking time for the arguments majorily on these dates 18/12/2024, 24/12/2024, 30/12/2024, 04/01/2025, 09/01/2025, 23/01/2025, 27/01/2025, 28/01/2025 and 01/04/10/19/02/2025. Court also ordered on 28/01/2025 to defence that no further time will be granted. Also at the request of Defence Council many times arguments were adjourned and there is absolutely no delay from the prosecution side in this case.”



5.It is also seen that the petitioner had challenged the order of dismissal of bail petition before the Hon'ble Supreme Court and the Hon'ble Supreme Court by order dated 19.10.2023 has observed as follows:

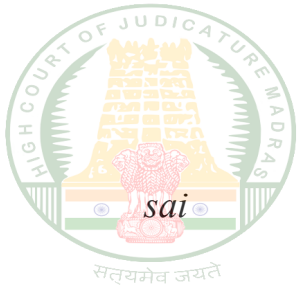
“6.Consequently, the Special Leave Petition is disposed of with a direction to the First Additional Sessions Judge, Special Court for exclusive trial of cases under the NDPS Act at Chennai to expedite the trial in CC No.38 of 2020 and conclude the same within six months.

7.In case the trial is not concluded within the above period, the petitioner shall be entitled to renew his prayer for bail and such an application shall be considered as per its own merits without being influenced by the previous/impugned order.”

6.Considering the counter affidavit filed by the respondent that there is a delay caused by the petitioner, this Court is not inclined to consider the prayer of the petitioner.

7.Accordingly, this Criminal Original Petition is dismissed and the trial Court (I Additional Special Court for Exclusive Trial of cases under NDPS Act, Chennai) is directed to expedite the trial and conclude it, within a period of two months from today (05.03.2025).

05.03.2025



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SUNDER MOHAN, J.

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To

1.The Judge, I Additional Special Court for
Exclusive Trial of cases NDPS Act,
Chennai

2.The Intelligence Officer
Narcotic Control Bureau
Chennai Zonal Unit
Ayapakkam
Ambattur, Chennai 600 077

3.The Public Prosecutor,
High Court of Madras.

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