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Crl.OP.No.7504 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.04.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.OP.No.7504 of 2025

Egwin Kingsley Ugochukwu ... Petitioner(s) /Accused

Vs.

Union of India Through Intelligence Officer,
Narcotics Control Bureau,
Chennai. ... Respondent(s)/ Complainant

Prayer: Criminal Original Petition filed under Section 483 of BNSS 2023,
to enlarge the petitioner on bail in C.C.No.19 of 2022 in the court of
Hon'ble ADJ, Special Court for EC cases, Coimbatore, on the file of the
respondent namely Narcotic Bureau, Chennai.

For petitioner(s) : Mr.Rajiv Lochan

For Respondent(s) : Mr.N.P.Kumar,
Special Public Prosecutor



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ORDER

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2. Though the earlier bail petition of the petitioner was dismissed by my learned predecessor, Hon'ble Justice T.V.Thamilselvi, this 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.

3. This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 20.07.2021, seeking bail in CC.No.19 of 2022 registered for the offences under Section 8(c) r/w Sections 22(c), 27A, 28 and 29 of NDPS Act, 1985.

4. It is the case of the prosecution is that the petitioner was found in possession of 2.235 Kgs of Amphetamine.



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WEB COPY 5. The earlier bail application was dismissed on 11.07.2024 with a direction to the trial Court to complete the trial within a period of three months from the date of receipt of a copy of the said order. However, the trial is yet to be concluded.

6. The learned counsel for the petitioner would submit that the petitioner is in custody from 20.07.2021; that his continued detention is in violation of Article 21 of the Constitution of India and, therefore, considering the prolonged period of incarceration and relying upon the judgments 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.

7. The learned Government Advocate (Crl.Side) appearing for the respondent police, while opposing the grant of bail to the petitioner, submitted the trial has now commenced and is likely to be completed in the



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near future and, since the petitioner has not satisfied the twin conditions, he may not be released on bail.

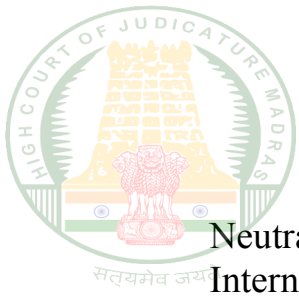
8. Though there was an earlier direction by this Court to complete the trial within a period of three months, the trial has not been completed. The petitioner was found in possession of 2.235 kgs of Amphetamine, which is a commercial quantity. The petitioner has not satisfied the twin conditions under Section 37 of the NDPS Act. However, the petitioner cannot be incarcerated indefinitely during the trial. Therefore, the trial court is directed to complete the trial as expeditiously as possible. The petitioner is at liberty to file a fresh bail application after three months if the trial is not concluded by then.

9. Accordingly, the Criminal Original Petition is disposed of.

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Speaking Order/Non Speaking Order

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Neutral Citation: Yes/No

Internet: Yes/No

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SUNDER MOHAN, J.

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To

1. Intelligence Officer,
Narcotics Control Bureau, Chennai.
2. The Public Prosecutor,
Madras High Court,
Chennai.
3. Learned Additional District Judge for EC and NDPS Act cases,
Coimbatore,

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