



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06.03.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.1481 of 2025

Syed Umar Sahib

... Petitioner/ Accused No.1

Vs

The State of Tamilnadu,
Rep.By the Intelligence Officer,
Union of India Narcotics Control Bureau,
Madurai Sub Zone, Madurai.
(F.No.48/1/4/22/NCB/MDU)

... Respondent/ Complainant

For Petitioner : Mr.M.Pandian

For Respondent : Mr.Arulvadivel @ Sekar
Special Public Prosecutor for NCB Cases

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER : To enlarge the petitioner on bail in C.C.No.794 of 2023 before the Principal
Special Court for Narcotic Drugs and Psychotropic Substances Act Cases, Madurai.

ORDER : The Court made the following order :-

<https://www.mhc.tn.gov.in/judis> This Criminal Original Petition has been filed by the petitioner on 23.01.2025



under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) praying to grant
WEB COPY
bail.

2. The petitioner / accused No.1 was arrested and remanded to judicial custody on 02.11.2022 for the alleged offences punishable under Sections 8(c), 20(c) and 29 of Narcotic Drugs and Psychotropic Substances Act in F.No.48/1/4/22/NCB/MDU on the file of the respondent.

3. The case of the prosecution is that on 01.11.2022, at about 05.30 a.m., upon receiving information, the respondent went to the location in front of old Bus Stand, Tuticorin and was on surveillance. They noticed that the petitioner / A1 and A2 were indulging in illicit trafficking of 4.44 kgs of banned dark greenish sticky viscous liquid (hashish oil) in a car bearing Registration No.TN 65 K 4446. They arrested them and seized the banned products. Hence the case was registered by the respondent. Subsequently, Charge Sheet has been filed in C.C.No.794 of 2023 on the file of the Principal Special Court for Narcotic Drugs and Psychotropic Substances Act Cases, Madurai.

4. Mr.M.Pandian, the learned counsel appearing for the petitioner, submits that the petitioner has no previous case, and for more than three years, he has been in prison. He further submits that the petitioner did not commit any offence as alleged by the prosecution, and that he has been falsely implicated in this case. He further



WEB COPY

submits that the trial has been prolonged due to the delay by the respondent, and since the investigation has been completed and the charge sheet has been filed, the further custody of the petitioner may not be necessary in this case. He therefore prays to grant bail to the petitioner.

5. Mr.Arulvadivel @ Sekar, learned Special Public Prosecutor appearing for the respondent, submits that there are totally five accused persons in this case and that the petitioner is A1. He further submits that A1 to A3 were arrested and are still in custody, and that A4 and A5 are still absconding. He further submits that the case against A4 and A5 has been split up in C.C.No.444 of 2024. He further submits that if the petitioner is enlarged on bail, he will abscond and thereby delay the trial. Accordingly, he prays to dismiss this Criminal Original Petition.

6. Heard on both sides. This Court has perused the records.

7. In this case, it is stated that the case against the absconding accused A4 and A5 has been split up in C.C.No.444 of 2024. The case against A1 to A3, who have been in custody, is pending in C.C.No.794 of 2024. This is third bail application of the petitioner and there are no changes in circumstances. In view of the above, and in view of the nature of offences allegedly committed by the petitioner and other accused persons, this Court is not inclined to grant bail to the petitioner, at this stage.

8. Considering the fact that the petitioner and two other accused persons have



been in prison for more than 2 and 1/2 years, this Court requests the learned Judge,
WEB COPY
Special Court for trial of NDPS Act Cases, Madurai to conclude the trial in
C.C.No.794 of 2023 as early as possible. The prosecuting agency and the petitioner
are directed to co-operate with the Trial Court for expeditious disposal of the case.

9. Accordingly, this Criminal Original Petition is dismissed.

sd/-
06/03/2025

/ TRUE COPY /

/03/2025
Sub-Assistant Registrar (C.S.-I/ II /III/ IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

mbi
TO

1 THE INTELLIGENCE OFFICER,
UNION OF INDIA, NARCOTICS CONTROL BUREAU,
MADURAI SUB ZONE, MADURAI.

2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

3 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI

ORDER
IN
CRL OP(MD) No.1481 of 2025
Date :06/03/2025

NBF/GSV/ SAR/ (28/03/2025) 4P/4C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023