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CRL OP No. 5621 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-03-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 5621 of 2026

Ziaudeen S/o. Mohamed Yasin,
No.805, 3rd Cross, 9th Street,
S.A.Colony, Vyasarpadi,
Chennai - 600 039.

..Petitioner(s)

Vs

Central Represented by:

The Intelligence Officer,
NCB, South Zone,
Chennai.

..Respondent(s)

PRAYER: The Criminal Original Petition has been filed under Section 483 of B.N.S.S. praying to enlarge the petitioner on bail pending trial in C.C. No.580 of 2024 on the file of II Additional Special Judge for NDPS Act Cases at Chennai.

For Petitioner(s): Mr. O.Chembulingam

For Respondent(s): Mr. V. Chandrasekar,
Spl Public Prosecutor [for Ncb Cases]

ORDER

The petitioner, who was arrested and remanded to judicial custody on 14.05.2023 for the alleged offences under Section 8(c) read with 22(c), 28 and



29(1) of NDPS Act in C.C. No.580 of 2024 on the file of II Additional Special Judge for NDPS Act cases, Chennai, seeks bail.

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2. The *case of the prosecution* is that the accused were found in possession of 2 kgs of Amphetamine and hence the case.

3. The learned counsel for the petitioner would submit that the petitioner is the second accused in this case and he is under judicial custody for the past 3 years since 14.05.2023. He would further submit that the alleged recovery of 2 kgs of Amphetamine and this Court, in respect of other accused, has ordered to complete the trial within a period of 6 months vide order dated 04.04.2025 in Crl. 28555 of 2024. But in spite of such direction, only PW1 and PW2 have been fully examined and the case is posted for examination of PW3. In this connection, taking into consideration of the long incarceration of the petitioner and interplay between the Article 21 of Constitution of India and Section 37 of NDPS Act would contend that the long incarceration has to be considered as the violation of the constitutional right granted under Article 21 of Constitution of India. In this connection, the learned counsel for the petitioner has relied upon the Hon'ble Supreme Court's judgment in **2023 SCC Online SC 1109**, wherein the Hon'ble Supreme Court held that *...The prolonged incarceration, generally militates against the most precious fundamental right guaranteed under Article 21 of the Constitution and in such a situation, the conditional liberty must*



override the statutory embargo created under Section 37(1)(b)(ii) of the NDPS

Act. The learned counsel for the petitioner has also relied upon yet another

judgment of Hon'ble Supreme Court in ***Special Leave Petition (Criminal)***

Diary No(s).5319 of 2026 dated 13.10.2025, wherein the Hon'ble Supreme

Court, taking into consideration the delay in concluding the trial, in spite of

direction of this Court, has granted bail. Therefore, the learned counsel for the

petitioner would submit that in view of the above precedents of the Hon'ble

Supreme Court, the petitioner has to be released on bail.

4. Per contra, the learned Special Public Prosecutor appearing for the respondent police would contend that the judgement relied by the learned counsel for the petitioner, against whom Crl. O.P. No.28555 of 2024 was ordered to conclude the trial within a period of six months and thereafter, was granted liberty to move an application. As per the liberty, he filed an application in Crl. O.P. No.33302 of 2026, but the same was dismissed on 19.01.2026. Against which, when he preferred an appeal before the Hon'ble Supreme Court in Special Leave to Appeal No.3942 of 2026, the same was dismissed by the Hon'ble Supreme Court vide order dated 11.03.2026. Taking into consideration of the above aspects, the learned Special Public Prosecutor would submit that the present petitioner cannot have better footing.



5. I have given anxious consideration to the submissions made by the learned counsel on either side.

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6. Though such arguments advanced by petitioner side, since the co-accused while raising plea of delay in proceedings with trial, the Hon'ble Supreme Court dismissed the same vide order dated 11.03.2026. In view of the judgment of the Hon'ble Supreme Court arising out of the very same crime number, this Court is bound to apply the same parity to this petitioner. Therefore, this Court is of the firm view that from the submissions made by the learned counsel for the petitioner, or in the petition, could not find any ground to overcome the rigors under Section 37 of the NDPS Act.

7. Accordingly, this Criminal Original Petition is **dismissed**.

27-03-2026

MJS

Note:

1. Registry is directed to forthwith upload this order in the Official Website of this Court.
2. All concerned to act on this order being uploaded in Official Website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in the official website of this Court will be watermarked and will also have a QR code.

To

1. The Public Prosecutor, High Court of Madras.
2. The Intelligence Officer, NCB, South Zone, Chennai.



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C.KUMARAPPAN, J.

MJS

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