



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-06-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 8222 of 2026

Iqbal Basha Urundadi
S/o.Basha Bayari,
D.No. 2-10, Urundadai Gr udde,
Post Panchamohan,
Kavoor,
Mangalore city,
Karnataka State.

..Petitioner(s)

Vs

The Superintendent of Customs
Airport, New Custom House,
Meenambakkam, C]hennai -27.
[R.R.No. 35/2022]

..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 in C.C.No. 447/2023 in R.R.No. 35/2022 pending on the file of the I Additional Special Judge under NDPS Act cases at Chennai.

For Petitioner(s):	M/S. P.Muthamizhselvakumar
For Respondent(s):	MR.P.Vishnu, Special Public Prosecutor [Customs]

ORDER

The petitioner, who was arrested and remanded to judicial custody on 12.08.2022 for the alleged offences under Section 8(c) read with 22(c), 23(c), 28 and 29 of NDPS Act, 1985 in R.R. No.35 of 2022 on the file of the respondent police, seeks bail.



2. The *case of the prosecution* is that based on a secret information received by the respondent police that a male passenger of Indian Nationality travelling from Addis Ababa to Chennai in Ethiopian Airlines flight is carrying banned narcotic substance, on 11.08.2022, while the respondent police intercepted the accused and searched, he was found with possession of 9590 grams of Heroin and hence the case.

3. The learned counsel for the petitioner would submit that the petitioner is A1 and according to the prosecution, the petitioner possessed 10.50 kgs of Heroin. The learned counsel would further submit that investigation has been completed and the case is also pending before I Additional Special Judge under NDPS Act Cases, Chennai in C.C. No.447 of 2023 and though there is a direction of the Hon'ble Supreme Court to complete the trial within 4 months, the trial has not yet been completed by the trial Court and the petitioner has been under judicial custody for the past 3 years since 12.08.2022 and hence prayed to enlarge the petitioner on bail.

4. However, the above said contention of the learned counsel for the petitioner, was totally objected by the learned Government Advocate (Criminal side) appearing for the respondent police and he would submit that this is a case of commercial quantity. Therefore, he strongly objected the bail application.



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

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6. This is a case of huge quantity of 9590 grams of Heroin. The main contention put-forth by the learned counsel appearing for the petitioner that there is a delay in trial. In this connection, this Court also obtained report from the Inspector General of Prisons and Correctional Services. While perusing the same, it is clear that they have produced the accused on many hearings and only on few hearings, they have not produced the accused. Therefore, while closely scrutinising the records, it is clear that the delay in trial is not solely on the part of the prosecution, but also there are certain other reasons. Apart from that, the delay in trial alone cannot be a ground to consider the bail application. In this case, as the huge quantity i.e., nearly 10 kgs of Heroin has been recovered, it is not an appropriate case to enlarge the petitioner on bail on the ground of long delay in trial. Therefore, this Court is not inclined to enlarge the petitioner on bail.

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

MJS

05-06-2026



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, Madras.
2. The Superintendent of Customs Airport, New Custom House, Meenambakkam, Chennai -27.



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CRL OP No. 8222 of 2



C.KUMARAPPAN, J.

MJS

CRL OP No. 8222 of 2026

05-06-2026