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CRL OP No. 11433 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-06-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 11433 of 2026

R.Senthil Kumar

..Petitioner

Vs

Union Of India
Through The Intelligence Officer,
Narcotics Control Bureau,
Chennai Zonal Unit, Chennai.

..Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the Petitioner on bail in C.C.No.652 of 2024, pending on the file of the learned Principal Sessions Judge at Chennai (Special Court for exclusive trial under the NDPS and EC Act).

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For Petitioner:

Mr.M.Seeni Sulthan

For Respondent:

Mr.N.P.KUmar
Special Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 27.07.2023 for the alleged offence under Section 8(c), r.w section 20(b)(ii)(c), 25, 28 and 29 of the Narcotic Drugs & Psychotropic Substances Act 1985 in C.C.No.652 of 2024 on the file of the learned Principal Sessions Judge at



Chennai (Special Court for exclusive trial under the NDPS & EC Act) in NCB

F.No.48/1/10/2023 NCB/MDS in R.R.No.23 of 2023 on the file of the respondent, seeks bail.

2. The case of the prosecution is that the petitioner along with five others alleged to have involved in transportation of 432.700 kgs of ganja. Hence, the case.

3. The learned counsel for the petitioner submitted that there are six accused and that the present petitioner is arrayed as A2. The total recovery is 432 kgs of ganja and the learned counsel for the petitioner submitted that there are no recovery from this petitioner. He further submitted that the petitioner is an illiterate person and has been incarcerated for a long period and prayed to enlarge him on bail.

4. The learned counsel for the petitioner submitted that he has already filed application for bail in Crl.OP.No.2684 of 2025 wherein this Court vide order dated 15.04.2025 had dismissed the bail application with a direction to the trial Court to conclude the trial as expeditiously as possible and has given liberty to the petitioner to renew the bail application if the trial has not been completed within the aforesaid period. Therefore, it is the contention of the learned counsel for the petitioner that his right for liberty under Article 21 has



been thwarted by the respondent police in not proceedings with the trial.

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5. The said contention was totally objected by the learned Special Public Prosecutor. He submitted that A3 to A6 were enlarged on bail by this Court and thereafter they have been absconding. Only on the ground of their abscondence, the trial Court find it difficult to proceed with the trial and according to the prosecution, these petitioners are the prime accused. It is also the contention of the learned Special Public Prosecutor that mere delay in trial cannot be a sole ground to enlarge the petitioner on bail which ratio was held by the Hon'ble Supreme Court in the case of *State of Punjab vs Sukhwinder Singh @ Gora* reported in **2026 0 INSC 411** Hence, he opposed the grant of bail to the Petitioner.

6. I have given my anxious consideration to either side submissions and perused the materials available on record.

7. Considering the facts and circumstances of the case; taking note of the submission made by the learned Government Advocate (Crl.Side); it is seen that though the learned counsel for the petitioner strenuously submitted that since 15.05.2025 there was no progress in the trial, from the submission of the learned Special Public Prosecutor, it is evident that there is no fault on part of the respondent police and it was only due to abscondence of other accused, the trial



is delayed. Apart from that, as rightly submitted by the learned Special Public Prosecutor, this is the case of recovery of 432 kgs of ganja which is huge in quantity.

8. At this juncture, it is relevant to refer the judgment of the Hon'ble Supreme Court in the case of *State of Punjab vs Sukhwinder Singh @ Gora* reported in **2026 0 INSC 411** where in the Hon'ble Supreme Court categorically held that though the liberty of an individual is sacrosanct, the mere delay would not automatically entail the petitioner to have a bail. In the case in hand, delay is not on the part of the respondent but only due to the abscondence of other accused. Therefore, this Court is of the firm view that the contention of the delay urged by the petitioner cannot be a ground in the above background, since the quantity comes under the commercial quantity. Therefore, the rigour under section 37 of NDPS Act would attract and to overcome the rigour, as stated supra, the delay in trial cannot be a ground.

9. Accordingly, this Criminal Original Petition stands dismissed.

SHL

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C.KUMARAPPAN J.

SHL

To:

1. The Principal Sessions Judge at Chennai
(Special Court for exclusive trial under the NDPS and EC Act)
Chennai.
2. The Intelligence Officer,
Narcotics Control Bureau,
Chennai Zonal Unit, Chennai.
3. The Public Prosecutor
High Court of Madras

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