



WEB COPY

CRL OP No. 31974 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-01-2026

CORAM

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

CRL OP No. 31974 of 2025

1. Mohamed Jabir @ Jafar
S/o. Shahul Hameed, R/O,8-1-22/30,
Flat no.23, Road no.5, Jyothi Nagar
Colony, Kharmanghat, K.V.
Rangareddy, Telengana-500 079

Petitioner(s)

Vs

1. Union of India Rep by, Intelligence
Officer
Narcotics Control Bureau, Chennai
Zonal Unit, Chennai.

Respondent(s)

PRAYER

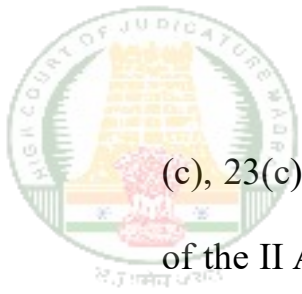
To enlarge the petitioner on bail pending trial in C.C.No.256 of 2021 on the file of the II Additional Special Court for Exclusive Trial of Cases under NDPS act, Chennai.

For Petitioner(s): T.S.Sasi Kumar

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 14.04.2021, for the alleged offence punishable under Sections 8(c) r/w. 20(b)(ii)



(c), 23(c), 28 and 29 of the NDPS Act, 1985 in C.C.No.256 of 2021 on the file of the II Additional Special Court for Exclusive Trial of Cases under NDPS act, Chennai in NCB.F. No.48/1/04/2021/NCB/MDS on the file of the respondent police, seeks bail.

2. The allegation against the petitioner is that he was involved in the possession and transportation of a narcotic drug, which falls within the definition of a commercial quantity. Hence, the complaint.

3. Learned counsel appearing for the petitioner submitted that the petitioner has been in custody for the past 5 years and should not be punished due to the non-cooperation of the other accused. He has entered appearance and is regularly cooperating with the trial. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and submitted that the prosecution has already examined all the witnesses and marked the documents. After the prosecution side evidence was closed, this petitioner came forward with a petition and prayed for recalling all the witnesses, and the recall petition was allowed, and the witnesses were produced. Hence, he opposed for grant of bail to the petitioner.



5.This Court also called for a report from the concerned Trial Court, which revealed that the prosecution side evidence was concluded as early as in the month of November 2024. The petitioner and other accused filed a recall petition, which was allowed on 07.12.2024. This revealed that the petitioner did not cross examine the witnesses as and when they were examined. Having chosen not to cross examine the witnesses and having filed a petition for recall and cross examination (which was allowed), the petitioner is not entitled to claim that there was a delay in concluding the trial, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

07-01-2026

Mpa
Index:Yes/No
Speaking/Non-speaking order
Internet:Yes
Neutral Citation:Yes/No

To

1.Union of India Rep by, Intelligence
Officer
Narcotics Control Bureau, Chennai
Zonal Unit, Chennai.

2.The Public Prosecutor,
High Court, Madras.



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K.RAJASEKAR J.
mpa

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