



WEB COPY

Crl.O.P.No.32380 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-02-2026

CORAM

THE HONOURABLE MR JUSTICE K. RAJASEKAR

CRL OP NO.32380 of 2025

D. Karthick Balu

... Petitioner/ A3

Vs

The State rep. by,
The Inspector of Police,
Palladam Police Station,
Tirupur District.
(Crime No.487 of 2022)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to grant bail to the petitioner/accused in C.C. No.83 of 2023 on the file of the Additional District Judge, Special Court for Essential Commodities Act Cases, Coimbatore.

For Petitioner(s) : Mr. K. Madhu

For Respondent(s) : Mr. A. Gopinath
Government Advocate (Crl. Side)



ORDER

The petitioner, who was arrested and remanded to judicial custody on 05.01.2024 for the offences punishable under Sections 8(c) r/w. 20(b)(ii)(C) of NDPS Act in C.C. No.83 of 2023 on the file of the Additional District Judge, Special Court for Essential Commodities Act Cases, Coimbatore, seeks bail. This is the successive third bail application of the petitioner herein and the earlier bail application of the petitioner in Crl.O.P.No.6166 of 2025 was dismissed by this Court, vide order dated 01.07.2025 for the following reasons:

“6. Considering the facts and circumstances and the submissions made by both sides, the huge quantity of contraband involved in this case, this Court is not inclined to grant the relief sought for by the petitioner.

7. Accordingly, this Criminal Original Petition stands dismissed and the Trial Court is hereby directed to expedite the trial and complete the same, preferably with in a period of four months from the date on which the order copy made ready.”

2. When the matter is taken up for hearing today, the learned counsel appearing for the petitioner submitted that, this is the successive bail application filed before this Court on the ground that, the P.W.1 and P.W.2 in this case were examined before the Trial Court and their evidence support the defense of the petitioner herein to substantiate his claim that no contraband has been seized



from the petitioner herein and he is not guilty of the aforesaid offence, therefore, the “first limb” of the twin conditions of Section 37(1)(b)(ii) of the NDPS Act, 1985; that further, there is no progress in the trial, hence prays to grant bail to the petitioner.

3. Heard the learned Government Advocate (Crl. Side) appearing for the respondent.

4. I have considered the submissions made, the fact that the point raised herein by the learned counsel for the petitioner for seeking bail was not raised before the Trial Court, hence it would be appropriate for the Trial Court to consider the same as it is the Court of first instance. I am also of the view that, if this Court render finding regarding the evidence adduced by the witnesses before the Trial Court, it would cause prejudice to both sides.

5. Considering the above facts, the petitioner is at liberty to approach the concerned Trial Court for the relief of bail and on filing of the bail petition by the petitioner, the Trial Court shall take decision on that petition independently, without influence by any of the previous order passed by this Court in this case.



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K. RAJASEKAR, J.

stn

6. In view of the above, this criminal original petition is dismissed.

04.02.2026

stn

To

1. The Additional District Judge,
Special Court for Essential Commodities Act Cases,
Coimbatore.
2. The Inspector of Police,
Palladam Police Station,
Tirupur District.
(Crime No.487 of 2022)
3. The Public Prosecutor,
High Court of Madras.

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