



WEB COPY

CRL OP No. 34988 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-02-2026

CORAM

THE HON'BLE MR.JUSTICE K.RAJASEKAR

CRL OP No. 34988 of 2025

Dalaram
S/o.Ganeshramji,
193, Brindha Street,
Erode- 638 001.

..Petitioner(s)

Vs

The State Rep by, The Inspector of Police,
NIB-CID,
Coimbatore.
Crime No. 44/2023.

..Respondent(s)

PRAYER:Criminal Original Petition filed under Section 483 of BNSS Act, 2023, to grant bail to the petitioner, concerned in C.C.No. 1/2024 on the file of the Honble Additional District Judge, Special Court for Essential Commodities Act Cases, Coimbatore and thus render justice.

For Petitioner(s):

N.Senthil Kumar

For Respondent(s):

Mr.A.Gopinath

Government Advocate(Crl. Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 11.07.2023 for the alleged offence under Sections 8(c), 20(b) (ii)(c), 25, 29(1) of Narcotic Drugs and Psychotropic Substances Act, 1985 and 7, 24(1) of Cigarette and Other Tobacco Products Act 2003, in Crime No.44 of 2023 on the file of the respondent police, seeks bail.



2. When the matter is taken up for hearing, the learned Government Advocate(Crl.Side) reported that this is the fifth successive bail application.

Now the trial is almost concluded and out of 24 witnesses, after examining 9 witnesses, all the other witnesses have been examined and the trial is also likely to be concluded.

3. The learned counsel for the petitioner submitted that evidences were recorded and in which there is no ownership of the property or possession of the godown from where contraband has been established and she has also relied on the cross-examination of PW4 to rely on the said contention. Hence, prayed for grant of bail to the petitioner.

4. This Court is of the view that this Court being an appellate Court and interpreting the evidence recorded in the trial in this bail petition would not be appropriate and if the interpretation is done by the Court it may cause prejudice to both sides and so far the petitioner has not approached the trial Court seeking bail on this ground. Hence, the petitioner is directed to approach the trial Court for seeking bail and the trial Court is directed to consider the bail application on merits based on this change in circumstances.



5. In view of the above directions, this Criminal Original Petition is disposed of.

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To

1. The State Rep by, The Inspector of Police,
NIB-CID,
Coimbatore.
Crime No. 44/2023.

2. The Public Prosecutor,
High Court, Madras.



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K.RAJASEKAR, J.

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