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Crl.O.P.No. 19639 of 2022

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T.V.THAMILSELVI, J.

The petitioner, who was arrested and remanded to judicial custody on 25.11.2020 for the alleged offence under Section 8(c) r/w 20(b)(ii)(c), 25, 29(1) of NDPS Act, 1985, in Crime No. 33 of 2020 on the file of the respondent police, pending trial in C.C.No.132 of 2021 on the file of Principal Special Court under NDPS Act cum District and Sessions Judge, Chennai, seeks bail.

2. The case of the prosecution is that the petitioners were found in illegal possession of 160 kgs. of ganja in 8 bags (each 20 kgs.) and 4 bags respectively while they were travelling in Bolero Mini truck bearing Regn. No.KA51 A1482. Hence, the complaint.

3. The learned counsel appearing for petitioner would submit that there is no progress in the prosecution to examine the witnesses even



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though the time is fixed in the earlier occasion. He would also submit that this is second petition seeking for bail and he is ready to comply with any condition imposed by this court. He would submit that he is in judicial custody for more than two years and the petitioner was found in illegal possession of 160 kgs of ganja, which is a commercial quantity. Hence, he prays to grant bail to the petitioner and the trial may be expedited by the trial court.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that three witnesses examined and for other witnesses, summons were served and today, the matter is listed for examination of witnesses. He would submit that this is the second petition seeking for bail and if he is released on bail, he will hamper the investigation and tamper the evidence. Hence, he vehemently opposed to grant bail to the petitioner.

5. Considering the submissions made by both counsel, and on considering the fact that three witnesses already examined, for other



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witnesses, summons were served and today the matter is posted for examining witnesses and also on seeing the gravity of offence, if he is released on bail, he will abscond and drag on the matter, and on seeing the fact that there is no change of circumstances, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed. However, as the accused is in custody, the trial court is directed to dispose the case within a period of two months from the date of receipt of copy of this order.

07.09.2022

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