



Crl.O.P.No.21193 of 2022

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A.D.JAGADISH CHANDIRA

The petitioner, who was arrested on 05.02.2020 and remanded to judicial custody on 06.02.2020 for the offences punishable under Sections 8(c) and 20(b)(ii)(c), 28 & 29 of NDPS Act, in F.No.48/1/02/2020-NCB/MDS on the file of the respondent police, seeks bail.

2. The case of the prosecution is that based on the specific information received by the informant on 05.02.2020, the respondent had intercepted the red colour SKODA car bearing Regn. No.AP-05-N-8461 near Kallikuppam Toll Plaza, Chennai. On search, the petitioner along with the other accused was found to be in possession of 191.400 kgs of Ganja.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case. He would further submit that the petitioner is in custody from 05.02.2020 for the past two years and the entire case of prosecution is fabricated. The petitioner was not arrested at the scene of occurrence and absolutely false complaint has been projected by the respondent police. Hence, he prays for grant of bail to the petitioner.



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4. Mr.N.P.Kumar, learned Special Prosecutor appearing for the respondent would submit that the petitioner had illegally transported 191.400 kgs of Ganja in a red colour SKODA car bearing Regn. No. AP-05-N-8461. On reliable information, the vehicle was intercepted and the contraband was recovered from the petitioner. He would further submit that the petitioner with the conscious knowledge only had illegally transported the contraband. The petitioner has also changed the registration number of the vehicle, which pertains to two wheeler.

5. Learned Special Prosecutor would further submit that the complaint has been taken up for trial in C.C.No.87 of 2020 on the file of the I Additional Special Court, for exclusive trial of cases under NDPS Act, Chennai. Further, LW1 has been examined and three more witnesses are yet to be examined and that the respondent police are likely to complete the trial at the earliest. At this stage, if the petitioner is enlarged on bail, there is every possibility of the petitioner in absconding and derelicting the progress of the trial. He would further submit that the petitioner has not satisfied with the twin conditions as contemplated under Section 37 of NDPS Act. Therefore, he vehemently opposed to grant bail to the petitioner.



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5. Heard both the learned counsel and perused the materials available on record.

6. It is the case where the petitioner was found to be in possession of 191.400 kgs of Ganja, which is a commercial quantity. It is also submitted that the trial has commenced and that out of 4 witnesses, LW1 has been examined.

7. Taking into consideration of the facts and circumstances of the case, this Court is not inclined to grant bail to the petitioner. However, taking into consideration of the incarceration period suffered by the petitioner from 05.02.2020, direction is issued to the learned Trial Judge to complete the trial as expeditiously as possible, preferably, within a period of 8 weeks from the next hearing date i.e.29.09.2022.

9. With the above direction, this Criminal Original Petition stands dismissed.

12.09.2022

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