

Crl. O.P. No.25473 of 2022

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T.V.THAMILSELVI, J.

The petitioner/Accused 2 who was arrested and remanded to judicial custody on 25.11.2020 for the alleged offence under Sections 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 the Principal Special Court under NDPS Act cum District and Sessions Judge, Chennai, seeks bail.

2. The case of the prosecution is that on the date of occurrence, the petitioner/Accused No.2 along with accused No.1 was 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 Registration No.KA-51A-1482. Hence, the complaint.

3. The learned counsel for the petitioner submits that the petitioner has nothing to do with the seized contraband. The case has been foisted against the petitioner herein. To prove the innocence of the petitioner herein, he filed



CrI. M.P. No.3331 of 2021 before the Principal Special Judge, Special Court under NDPS Act, calling for the CCTV footage to establish that the petitioner was taken into custody wrongfully. The petitioner is law abiding citizen and is ready to furnish sureties as imposed by this Court. Earlier two bail applications were dismissed by this Court and this is the third bail application before this Court seeking for bail to the petitioner herein.

4. The learned Government Advocate (CrI. Side) raised objection stating that the Trial is being delayed due to the petitioner/accused filed a 311 Cr.P.C. petition for examination of P.W.5 and P.W.6 and the intention of the accused is protract the trial in order to escape from the clutches of law. If the accused is released on bail at this stage, he will sure abscond and never co-operate for Trial. Hence, he vehemently opposed to grant bail to the petitioner herein.

5. Taking into consideration of the facts and circumstances of the case and grave nature of offence committed by the petitioner herein as well the case is pending under Trial, this Court is not inclined to grant bail to the petitioner herein. Both parties are directed to co-operate with the Trial



enabling the Trial Court to dispose of the case within a stipulated period as directed by this Court in the earlier order.

6. Accordingly, this Criminal Original Petition is dismissed.

30.11.2022

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