



Crl.OP.No.2750 of 2023

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G.K.ILANTHIRAIYAN, J.

The petitioner, who was arrested and remanded to judicial custody on 23.03.2018 at the hands of the respondent police for the alleged offences punishable under Sections 8(c) r/w 22(c), 23, 28 and 29 of NDPS Act, in R.R. No.5 of 2018, NCB F.No.48/1/5/2018-NCB/MDS, seeks bail.

2. The case of the prosecution is that on 22.03.2018 based on the secrete information, the respondent went to the place of occurrence and found that the petitioner and others were in illegal possession of 14.650 Kg of Ketamine a psychotropic substances. Hence the complaint.

3. The learned counsel appearing for the petitioner submitted that false case has been foisted as against the petitioner and he has not committed any offence as alleged by the prosecution. He further submitted that the trial is pending without any progress for the past four years. Further, the Hon'ble Supreme Court of India granted bail to the co-accused viz., A3 in S.L.P(Crl.)No. 8669 of 2022 by an order dated 10.01.2023, for the reason that the trial though is under progress is not likely to conclude immediately. He further submitted that the petitioner also may be extended to the same benefit,



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since he was arrested and remanded to judicial custody on 27.03.2022 and incarcerated for the past four years. Hence, he prays to grant bail to the petitioner.

4. The learned Special Public Prosecutor would submit that this is the third bail application filed by the petitioner and this Court already dismissed the earlier bail petitions on two occasions. He further submitted that all most all the witnesses were examined and only two remaining witnesses have to be examined by the prosecution. Hence, he vehemently opposed to grant bail to the petitioner.

5. The petitioner is arrayed as A1 in the present case. Admittedly, the petitioner along with other accused persons were in conscious possession of 14.650 Kg of Ketamine a psychotropic substances and it is a commercial quantity. Now the trial is under progress and the prosecution has to examine only two witnesses. There are materials to attract the offence as against the petitioner herein and the petitioner failed to satisfied the twin conditions under Section 37 of the NDPS Act. Further, this Court already dismissed the earlier bail petitions filed by the petitioner and there is no change in circumstances.



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6. Taking consideration of the above facts and circumstances of the case, at this juncture, this Court is not inclined to grant bail to the petitioner. However, the trial Court is directed to complete the trial and pass orders in accordance with law, within a period of four weeks from the date of receipt of a copy of this Order.

7. Accordingly, this Criminal Original Petition is dismissed.

13.02.2023

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