



Crl.OP.No.1884 of 2023

Crl.O.P.No.1884 of 2023

T.V.THAMILSELVI,J.

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The petitioner, who was arrested and remanded to judicial custody on 05.01.2020 for the alleged offence under Sections 8(c), 20(b)(ii)(C), 25 and 29(1) of NDPS Act, 1985 in C.C.No.131 of 2021 in connection with Crime No.31 of 2020 on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that on receiving a secret information, the respondent Police along with his team conducted a vehicle checkup and they found the accused were in illegal possession of 205 kgs of Ganja in 8 bags. Hence the case.

3. It is submitted by the learned counsel for the petitioner that the petitioner is an innocent person and he has nothing to do with the alleged offence. The learned counsel on relying upon the order passed by the Hon'ble High Court of Himachal Pradesh in Cr.MP(M) No.2822 of 2022 dated 10.01.2023 and by referring para 9, “ recently, in a number of cases, under-trials for offences involving commercial quantity of contraband under NDPS Act have been allowed the liberty of bail by the Hon'ble Supreme



Court only on the ground that they have been incarcerated for prolonged durations”, submitted that the petitioner is entitled for grant of bail, since, he is suffering incarceration from 05.11.2020 and there is no progress in the trial. Therefore, he prayed to grant bail to the petitioner.

4.The learned Government Advocate (crl.side) appearing for the respondent submitted that totally there are four accused in this case and the petitioner has arrayed as A2. The petitioner along with other accused was found in illegal possession of 205 kgs of Ganja, which comes under commercial quantity. He further submitted that the charge sheet has been filed in C.C.No.131 of 2021 and the case stands posted for examination of L.W.1 on 16.02.2023 and if the petitioner is released on bail at this stage, he would tamper the witnesses and hamper the investigation. Hence, he vehemently opposed to grant bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record including the judgment relied upon by the learned counsel for the petitioner.



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6. Taking into consideration the facts and circumstances of the case and the submissions made by either side of the parties, this Court is of the view that the judgment referred by the learned counsel for the petitioner is not applicable to the facts of this case, since the trial was commenced in this case and also stands posted for examination of L.W.1, thereby, the petitioner is not entitled for grant of bail. Therefore, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, this Criminal Original Petition is dismissed. However, the learned trial Judge is directed to complete the trial as expeditiously as possible, preferably within a period of two months from the date of receipt of a copy of this order.

14.02.2023

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