



CrI.O.P.No.3731 of 2023

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T.V.THAMILSELVI, J.

The petitioner, who was arrested and remanded to judicial custody on 18.12.2019 for the alleged offence under Sections 8 (c) r/w 20 (b) (ii)(c), 25, 27A, 28, 29 and 31 of NDPS Act in NCB F.No.48/1/17/2019-NCB-MDS, on the file of the respondent police, pending trial in C.C. No. 74 of 2020 on the file of No.II Addl. Special Judge for NDPS Act Cases, Chennai seeks bail.

2. The case of the prosecution is that on a secret information that a person named one Easwaran will come to take a force trax load vehicle parked at No.22, Arignar Anna Nagar, Puzhal, Chennai containing 100 packets of ganja and upon such information, the respondent police went to the location and on arrival of petitioner at the said location, he was found in possession of 210 kgs. of ganja and seized the same. Hence, the complaint.



Crl.O.P.No.3731 of 2023

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3. The learned counsel for the petitioner would submit that he is an innocent person and he is no way connected with the case. He would submit that earlier petition in Crl.O.P.No.25995 of 2022 was dismissed on 09.01.2023 and the petitioner is ready to abide by any stringent conditions that may be imposed by this Court. He would submit that the investigation is almost completed and there is no property recovered from the petitioner and that the petitioner has been suffering incarceration for more than three years from 18.12.2019. Hence, he prayed to grant bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that the seized contraband of 210 kgs. of ganja is a case of commercial quantity and there are two previous cases pending against him. He would submit that now the trial is yet to be commenced and the concerned judge is also appointed. He would submit that charge sheet has been filed, if he is released on bail, he would tamper the witnesses and hamper the investigation. Hence, he vehemently opposed to grant bail to the petitioner.



CrI.O.P.No.3731 of 2023

5. Considering the facts and circumstances of the case and the submissions made by both counsel and also considering gravity of offence committed by the petitioner, 210 kgs. of ganja recovered from him, which is a commercial quantity, however, the learned counsel for petitioner submitted that no recovery was made from him and only to curtail his activity, NDPS Act is foisted against him, in which a detailed investigation is required in this case, now the trial is yet to be commenced and if he is released on bail, there is possibility of tampering the witnesses and hampering the investigation, and there is no change of circumstances, this Court is not inclined to grant bail to the petitioner.

6. Accordingly, this Criminal Original Petition is dismissed. However, as the petitioner is in custody for more than 3 years, the trial court is directed to complete the trial and dispose the case within a period of three months from the date of receipt of copy of this order.

21.03.2023

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CrI.O.P.No.3731 of 2023

T.V.THAMILSELVI, J.

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CrI.O.P.No.3731 of 2023

21.03.2023