



Crl.O.P.No.5661 of 2023

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A.D.JAGADISH CHANDIRA.,J.

The petitioner, who was arrested and remanded to judicial custody on 02.08.2021 for the offences punishable under Sections 8(c) r/w 20(b)(ii)(c), 25 of NDPS Act, in Spl.C.C.No.11 of 2022 on the file of the NDPS Court, Salem in respect of Crime No.52 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 11.07.2021 at 14.15 p.m., an information was received from one Mr.Ravichandran that a car was found parked on the Bangalore to Salem bypass road side, near Karuppur IOC gas company junction. The smell of ganja was found in the vehicle bearing Registration No.MH 01 AE 5580 Mahindra Renault Logan car. The police broke open the door of the vehicle and found 60 kgs of Ganja in the car. Hence the case.

3.The learned counsel for the petitioner submitted that this is the fourth application for bail and this Court, while dismissing the earlier application for bail in Crl.O.P.No.19180 of 2022 on 12.08.2022 had directed



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the trial Court to complete the trial within a period of six months from the date of receipt of copy of that order. He further submitted that even despite the direction issued by this Court on 12.08.2022, the trial Court has not completed the trial within in the specified time as fixed by this Court and thereby, the present application has been filed seeking for grant of bail to the petitioner on the ground of delay in trial.

4.The learned Government Advocate (crl.side) appearing for the respondent Police submitted that subsequent to the dismissal of the earlier bail application in Crl.O.P.No.19180 of 2022 on 12.08.2022, the petitioner has moved another application for bail in Crl.O.P.No.31805 of 2022 and this Court had also dismissed the said application on 23.12.2022 stating that there is no change of circumstances. He further submitted that pursuant to the order passed by this Court on 28.03.2023, the learned Additional District Judge / Presiding Officer (FAC), Special Court under E.C and NDPS Act cases, Salem, has sent a report requesting for extension of time stating that the trial will be completed within a period of two months as per the directions issued by this Court on 12.08.2022. Hence, he prayed for dismissal of the petition.



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6. Heard the learned Counsel for the petitioner and the learned Government Advocate (crl.side) and perused the materials available on record including the report sent by the learned Additional District Judge / Presiding Officer (FAC), Special Court under E.C and NDPS Act cases, Salem.

7. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel on either side and also taking note of the report sent by the learned Additional District Judge / Presiding Officer (FAC), Special Court under E.C and NDPS Act cases, Salem , this Court is not inclined to grant bail to the petitioner.

8. Accordingly, this Criminal Original Petition is dismissed. However, the learned trial Judge is directed to complete the trial as mandated by this Court in the earlier orders.

27.04.2023

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