



Crl.O.P.No. 6010 of 2023

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T.V.THAMILSELVI, J.

The petitioner, who was arrested and remanded to judicial custody on 10.11.2021 for the alleged offence under Sections 8(c) r/w 20(b)(ii)(c), 28 and 29 of NDPS Act in Spl. C.C.No. 54 of 2022, pending trial on the file of Addl. District and Sessions Judge, Special Court for EC and NDPS Cases, Salem in F. No.48/1/06/2021-NCB/MDS, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 09.07.2021, on a secret information about illegal transportation of ganja from Andhra Pradesh, the respondent police intercepted the petitioner's vehicle and on search, they found the petitioner along with other accused were in possession of 350 kgs. of ganja and seized the same. Hence, the complaint.

3. The learned counsel for the petitioner submitted that there is no specific overtact attributed against this petitioner and he was falsely implicated in this case, since because the truck belong to him, wherein the



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alleged contraband was illegally transferred to Andhra Pradesh. He would submit that he engaged the driver to transport the groundnut, except that he was not known about the alleged contraband and only on that basis, the driver took the vehicle from Tuticorin to Andhra Pradesh, from there, he returned back with contraband as per prosecution. Therefore, he pleaded innocence and he is in custody for more than 330 days and so far, there is no progress in the trial. He would submit that he has not at all committed any offence as alleged by the respondent police and he is no way connected with the occurrence. He would further submit that the investigation is almost completed and that the petitioner has been suffering incarceration for more than three years 7 months from 13.03.2020. To support his contentions, he relied on the ratio laid down in the authorities held by the Apex Court reported in **2022 LiveLaw (SC) 267** in the case of ***Sanjeev and another vs. The State of Himachal Pradesh*** and also reported in **2022 Live Law SC 63** in the case of ***State by (NCB) Bangaluru vs. Pallulabid Ahmad Arimutta and another*** and this Court in a batch of cases in ***Crl.O.P. (MD) No.5093 of 2021 etc. batch cases in Muruganandham and another vs. State, rep. By the Inspector of Police, Authoor Police***



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Station, Thoothukudi District and others dated 23.12.2021. Referring the said decisions, he prayed to grant bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that totally, there are 4 accused involved in this case and the petitioner is arrayed as A4. He would submit that one of the person involved in illegal transportation of 350 kgs. of ganja in the truck, which is belong to the petitioner and the other accused arrested, who are not from the personal search, so, the question of personal/body search under Sec.50 does not arise. He would also submit that the petitioner has used mobile Nos. 8668148803, 9751202845 and 9790292383 through out the entire transactions, in which he has contacted A3 Selvam from his mobile numbers for five times and for 41 times during the relevant drug transaction period and the mobile number is in his own name. Furthermore, he called A1 two times during the relevant period of seizure. He would submit that though the petitioner was the owner of the lorry, statement of A1, A2 and A3 clearly indicates that 25 parcels out of seized drug was intended to be delivered to the petitioner himself, which was accepted by



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the petitioner during his confessional statement recorded under Sec.67 of NDPS Act. He would submit that he is a main person to transport the contraband from Andhra Pradesh. He would also submit that if he is released on bail, he will tamper the witnesses and hamper the investigation and the investigation is not yet completed. Hence, he vehemently opposed to grant bail to the petitioner.

5. Considering the facts and circumstances of the case and the submissions made by both counsel and as per the objection raised by the prosecution, it reveals that the petitioner has contacted A-3 through his mobile phone for more than 5 times and for 41 times during the relevant drug transaction period and according to him, only as per the confession alone, he was arrayed as 4th accused in this case and during the investigation, it reveals that he admitted nearly 25 parcels out of the seized drug was intended to be delivered to the petitioner himself and he had 208 calls with absconding accused belong to Andhra Pradesh, thereby based on the prima facie materials, he was implicated in this case. Therefore, this court is not inclined to grant bail to the petitioner. Accordingly, this



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Criminal Original Petition is dismissed. Admittedly, the case is pending from the year of 2021 without any progress, since because no officer in that court. Subsequently, incharge officer is taking care of the case and he is directed to conduct the trial and dispose the case within a period of three months from the date of receipt of copy of this order,

12.10.2023

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