



Crl.O.P.No. 5901 of 2023

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T.V.THAMILSELVI, J.

The petitioner, who was arrested and remanded to judicial custody on 29.08.2022 for the alleged offence under Sections 8(c), r/w 20(b)(ii)(C), 29(i) of NDPS Act in Crime No.178 of 2022 on the file of the respondent police, pending trial in C.C.No.171 of 2022 on the file of Principal Special Judge for NDPS Act cases at Chennai, seeks bail.

2. The case of the prosecution is that on 30.03.2022, on receipt of a secret information the respondent police intercepted them and on search, they found the accused were in illegal possession of 21.300 grams of ganja and the same was seized by them. Hence, the complaint.

3. The learned counsel for the petitioner submitted that this is the second petition seeking for bail and except I.P.C. case, no other offence committed by the accused. He would submit that he was not present in the scene of occurrence and from this petitioner, no recovery was made from him. He would submit that he has not at all committed any offence as



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alleged by the respondent police and he is no way connected with the occurrence. He would further submit that the petitioner has been suffering incarceration from 29.08.2022. Hence, he prayed to grant bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that the petitioner along with other accused found in possession of 21.300 grams of ganja, which is a commercial quantity and he has actively participated in the occurrence. He has not cross-examined the witness and he is also not engaging counsel, so, it is very difficult to conduct the trial and he is not cooperating with the trial proceedings. He would submit that there are 13 previous cases pending against him. He would submit that now the trial is in progress and already examination of witness is started. He would submit that 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.



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5. Considering the facts and circumstances and on considering the contentions of the both sides, and also the fact that 21.300 grams of ganja was recovered from the accused, which is a commercial quantity and the fact that there are 13 previous cases pending against him and he is a notorious person and now the trial is in progress and already the examination of witness is started and if he is released on bail, he would hamper the investigation and tamper the witnesses, and the fact that there is no change of circumstances, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed. However, as the petitioner is in custody from 29.08.2022, the trial court is directed to complete the trial and to dispose the case within a period of three months from the date of receipt of copy of this order.

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