



Crl.O.P.No.7315 of 2023

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A.D.JAGADISH CHANDIRA.,J.

(This case has been heard through Video Conferencing)

The petitioner, who was arrested and remanded to judicial custody on 13.04.2022 for the offences punishable under Sections 8(c) r/w 20(b)(ii)(C) of NDPS Act, in Crime No.51 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 13.04.2022, on receipt of the secret information, the respondent and his team conducted a check up, during which, they found that the accused were in illegal possession of 33 Kilograms of Ganja. The respondent has seized the contraband and arrested the accused. Hence the case.

3.The learned counsel for the petitioner submitted that this is the third application for bail and the earlier application for bail in Crl.O.P.No.28746 of 2022 was dismissed on 13.12.2022 with a direction to the learned Special Judge under EC & NDPS Act, Salem, to dispose the case pending in Spl.S.C.No.74 of 2022 within a period of three months from the



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date of receipt of copy of that order. He further submitted that there is no progress in the case. He also submitted that the petitioner is ready to abide by any stringent condition that may be imposed by this Court and he is in judicial custody for nearly one year. Hence, he prayed for grant of bail to the petitioner.

4.In reply, the learned Government (crl.side) appearing for the respondent submitted that the final report has been filed and the case has been taken for trial in Spl.C.C.No.74 of 2022. He further submitted that the charges have been framed and the case now stands posted for examination of L.W.1 on 25.04.2023. He further submitted that there are totally 9 witnesses in this case and a direction may be issued to the learned Special Judge to complete the trial within a specified period from 25.04.2023. He further submitted that it is the case where the petitioner was arrested with a commercial quantity of contraband and he is also a resident of Orissa and if the bail is granted at this stage, there is every possibility of him, absconding and derailing the progress of trial. He also submitted that the respondent ensures to produce the witnesses on day to day basis and to complete the trial at the earliest. Thereby, he prayed for dismissal of the bail petition.



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5.Heard the learned Counsel for the petitioner and the learned Government Advocate (crl.side) and perused the materials available on record.

6.This is the third application for bail and this Court, while dismissing earlier application for bail on 13.12.2022, had directed the learned Special Judge, to dispose the case within a period of three months from the date of receipt of copy of the order. It is the grievance of the petitioner that despite the direction being issued by this Court to the learned Special Judge under EC and NDPS Act, Salem to dispose the case within a period of three months from the date of receipt of copy of that order, there is no progress in the trial.

7.Taking into consideration the facts and the submission made by the learned Government Advocate, this Court is not inclined to grant bail to the petitioner. However, a direction is issued to the learned Special Judge under EC and NDPS Act, Salem to complete the trial within a period of two months from 25.04.2023.



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8.With the above directions, this Criminal Original Petition is
dismissed.

10.04.2023

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