



Crl.O.P.No.9640 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioner who was arrested and remanded to judicial custody on 16.04.2022 for the offences punishable under Sections 8(c), 20(b)(ii)(C) and 29(1) of NDPS Act, in Crime No.292 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner was found in illegal possession of 21 kilograms of Ganja, which is a commercial quantity. Hence, the complaint.

3. The learned counsel appearing for the petitioner submitted that this is the 6th application for bail and the petitioner has been languishing in jail for more than one year from 16.04.2022. This Court while dismissing the earlier application in Crl.O.P.No.20954 of 2022 dated 07.09.2022, had directed the trial Court to complete the trial as expeditiously as possible preferably within a period of six months from the date of receipt of a copy of this order and the subsequent bail application filed by the petitioner in Crl.O.P.No.4565 of 2023 was



Crl.O.P.No.9640 of 2023

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dismissed by this Court by order dated 01.03.2023. However, the respondent has not proceeded with the trial and thereby, the present petition for bail has been filed before this Court on the ground of delay.

5. In view of the counter filed by the respondent, the learned Government Advocate (Crl. Side) appearing for the respondent would submit that the case in C.C.No.281 of 2022 stands posted today (13.06.2023) for framing of charges and there are 10 witnesses in this case and that the respondent will be able to comply with the directions of this Court and complete the trial.

6. Heard both sides and perused the materials available on record.

7. It is seen that this Court on finding that the petitioner/A2 had not engaged a counsel and the respondent police was not solely responsible for the delay, had dismissed the petition in Crl.O.P.No.4565 of 2023 dated 01.03.2023, with a direction to the trial Court to appoint a Panel Counsel from the Legal Services Committee. Further, it has been



CrI.O.P.No.9640 of 2023

observed that the petitioner is a habitual offender in the NDPS Cases and the petitioner was not able to satisfy the conditions as required under Section 37 of NDPS Act and that the case has been taken up for trial.

8. Taking into consideration the above facts and circumstances, this Criminal Original Petition stands dismissed with a direction to the trial Court to complete the trial as expeditiously as possible within a period three months from the date of receipt of a copy of this order.

13.06.2023

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Note: Issue order copy on 15.06.2023



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Crl.O.P.No.9640 of 2023

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ksa-2

Crl.O.P.No.9640 of 2023

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