



Crl.OP.No.9084 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioner, who was arrested and remanded to judicial custody on 30.03.2021, for the alleged offence under Sections 8(c), 20(b)(ii)(C), 29(i) of NDPS Act, 1985 in C.C.No.197 of 2021 pending on the file of the II Additional Special Court for exclusive trial of cases under EC and NDPS Act, Chennai, in connection with Crime No.110 of 2021 on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused was in possession of 140 kgs of Ganja. Hence the case.

3. It is submitted by the learned counsel for the petitioner that the petitioner is an innocent person and he has nothing to do with the alleged offence. He further submitted that this is the sixth bail application and the earlier applications filed by the petitioner were dismissed by this Court and he is in judicial custody for more than 2 years and there is no progress in the trial. Therefore, he prayed to grant bail to the petitioner.



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4. Learned Government Advocate (crl.side) appearing for the respondent submitted that the petitioner along with other accused accused were found to be in possession of 140 kgs of Ganja. It is a commercial quantity. He further submitted that the case has been taken up for trial in C.C.No.197 of 2021 and seven witnesses have been examined so far and the case now stands posted for examination of LW8 on 05.05.2023 and if the petitioner is released on bail at this stage, he would abscond and derail the progress of trial. Hence, he vehemently opposed to grant bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record.

6. It is seen that there are totally three accused in this case, who were found to be in illegal possession of 140 kgs of Ganja, which is the commercial quantity and the petitioner has been arrayed as A2 in this case. This Court, taking into consideration the fact that the petitioner had failed to satisfy the twin conditions as contemplated under Section 37 of NDPS Act and also finding that there is no change of circumstances after the previous



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dismissal, had dismissed the bail application in Crl.O.P.No.2308 of 2023 vide order dated 06.02.2023, with a direction to the trial Court to complete the trial, within a period of six months from the date of receipt of a copy of that order. Now, it is seen that seven witnesses have been examined so far in C.C.No.197 of 2021 and the case now stands posted for examination of LW8 on 05.05.2023. It is also submitted by the respondent that if bail is granted to the petitioner at this stage, there is every possibility of him to abscond and derail the progress of the trial.

7. In view of the above facts and circumstances of the case, submissions made by the learned counsel on both sides and also taking into consideration the earlier direction passed by this Court, this Court is not inclined to grant bail to the petitioner.

8. Accordingly, this Criminal Original Petition stands dismissed. However, the learned trial Judge is directed strictly adhere to the direction passed by this Court in Crl.O.P.No.2308 of 2023 dated 06.02.2023 and complete the trial within the time frame fixed by this Court.

26.04.2023

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