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Crl.O.P.No.8646 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioner who was arrested and remanded to judicial custody on 05.11.2020 for the offences punishable under Sections 8(c), 20(b)(ii)(C), 25 and 29(1) of Narcotic Drug & Psychotropic Substances Act, 1985 in Crime No.31 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 05.11.2020, the petitioner along with 3 other accused had illegally transported 205 Kgs. of Ganja out of which, 51 Kgs. of Ganja was seized from the petitioner. Hence, the case.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. The petitioner is the resident of Kerala and he has got a permanent residence and that he has been languishing in jail for more than 2 ½ years from 05.11.2020. Hence, he seeks for grant of bail to the petitioner.



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Crl.O.P.No.8646 of 2023

4. The respondent has filed a detailed counter.

5. The learned Government Advocate (Crl. Side) appearing for the respondent would vehemently oppose for grant of bail to the petitioner stating that the petitioner along with 3 other accused was found in possession on 205 Kgs. of Ganja out of which, 51 Kgs. of Ganja was recovered from the petitioner which is a commercial quantity. He further submitted that the final report has been filed and the case has been taken up on file in C.C.No.131 of 2021 on the file of the II Additional Special Judge, Special Court for EC and NDPS Act, Chennai. The petitioner had failed to cross examine the witnesses and thereafter, he filed a petition to defer the cross examination and the said petition was dismissed. Against which, the petitioner had preferred a petition before this Court and this Court has granted permission to the counsel for the petitioner to cross examine all the witnesses on a particular date. Now the case has been posted on 20.06.2023 on which, the respondent is ready to produce all the witnesses for cross examination by the counsel for the petitioner and that the respondent is also ready to co-operate for conducting the trial on



Crl.O.P.No.8646 of 2023

day to day basis and to complete the trial as expeditiously as possible.

Thereby, he would seek for dismissal of the bail application.

6. Heard both sides and perused the materials available on record including F.I.R.

7. Taking into consideration the nature of offence and the facts and circumstances of the case and also the submissions of the learned counsel on either side, this Court is not inclined to grant bail to the petitioner.

8. However, considering the long period of incarceration of the petitioner, the trial Judge is directed to accord priority to this case in C.C.No.131 of 2021 and conduct the trial on day to day basis and deliver the Judgement as expeditiously as possible preferably within a period of two months from 20.06.2023.

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

14.06.2023

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Note: Issue order copy on 20.06.2023



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Crl.O.P.No.8646 of 2023

A.D.JAGADISH CHANDIRA, J.,

ksa-2

Copy to:

The II Additional Special Judge,

Special Court for EC and NDPS Act, Chennai.

Crl.O.P.No.8646 of 2023

14.06.2023