



Crl.OP.No.13991 of 2023

Crl.O.P.No.13991 of 2023

A.D.JAGADISH CHANDIRA, J.

The petitioner, who was arrested and remanded to judicial custody, pursuant to the non-bailable warrant of arrest issued against him in C.C.No.135 of 2019, pending on the file of the learned I Additional Special Judge for EC & NDPS Act cases, Chennai, seeks bail.

2. Learned counsel for the petitioner submitted that the petitioner is an accused facing trial in C.C.No.135 of 2019, for the alleged offence under Sections 8(c) r/w 20(b)(ii)(B), 29(1) of NDPS Act r/w Section 328 of IPC, pending on the file of the learned I Additional Special Judge for EC & NDPS Act cases, Chennai. He further submitted that the petitioner has all along been regularly appearing before the trial Court on all hearing dates, while so, due to his illness, he was unable to appear before the trial Court on 30.05.2022, thereby, the trial Court has issued a Non Bailable Warrant of arrest against him and pursuant to which, he was arrested on 29.03.2023. He further submitted that the petitioner is ready to abide by any stringent condition that may be imposed by this Court and hence, he prayed for grant of bail to the petitioner.

3. Learned Government Advocate (Crl.side) appearing for the



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respondent submitted that the petitioner is a native of West Bengal and he was absconded from 30.05.2022 and with great difficulty, he was arrested by the respondent only on 29.03.2023. He further submitted that the case is now pending trial in C.C.No.135 of 2019 on the file of the learned I Additional Special Judge for EC & NDPS Act cases, Chennai and the major part of the trial has been completed. He also submitted that due to the abscondance of the petitioner, the trial was stalled and other two accused in this case have been regularly appearing before the trial Court and if the petitioner is granted bail at this stage, he will abscond again and he will not be available for trial. Hence, he prayed for dismissal of the petition.

4. At this juncture, the learned counsel for the petitioner submitted that a direction may be issued to the concerned Court to complete the trial within the specified time as fixed by this Court.

5. Heard the learned counsel for the petitioner as well as the learned Government Advocate (crl.side) for the respondent and perused the entire materials available on record.



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6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned Government Advocate that the Non-Bailable Warrant of arrest issued against the petitioner on 30.05.2022 and with great difficulty, he was arrested only on 29.03.2023 and if the petitioner is granted bail at this stage, he will abscond again and he will not be available for trial, this Court is not inclined to grant bail to the petitioner.

7.However, the learned I Additional Special Judge for exclusive trial of cases under EC & NDPS Act cases, Chennai, is directed to complete the trial as expeditiously as possible, preferably, within a period of four months from the date of receipt of a copy of this order.

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

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23.06.2023



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