



Crl.O.P.No. 17990 of 2023

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T.V.THAMILSELVI, J.

The petitioner, who was arrested and remanded to judicial custody on 17.07.2021 for the alleged offence under Sections 8(c) r/w 20(b)(ii)(B), 22(C), 23, 28 and 29 of NDPS Act in C.C.No. 81 of 2022, pending trial on the file of I Addl. Special Judge for NDPS Act cases at Chennai in R.R.No. 16 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 15.07.2021, on a secret information about indulging in illicit manufacture of tablets, the respondent police went to foreign post office, Meenambakkam, Chennai and examined a postal parcel arrived from Spain and the petitioner claimed ownership of the parcel, thereby he was apprehended by the respondent police. On search of his house, they found two carton boxes, which contains totally 994 MDMA tablets and seized the same. Hence, the complaint.

3. The learned counsel for the petitioner submitted that there is no specific overtact attributed against this petitioner and there is no property



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recovered from this petitioner. He would submit that he has not at all committed any offence as alleged by the respondent police and he is no way connected with the occurrence. He would further submit that the investigation is almost completed and that the petitioner has been suffering incarceration for more than three years 3 months from 17.07.2021. He would also submit that inspite of direction given by this court, there is no progress in the trial. Hence, he prayed to grant bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that the petitioner is arrayed as A2 in this case and the contraband involved in the present case is of commercial quantity. He would further submit that now the case was posted for hearing on 11.10.2023 and they wanted to examine one more witness on that day. He would submit that he is a main person to receive the contraband. He would also submit that if he is released on bail, he will tamper the witnesses and hamper the investigation. Hence, he vehemently opposed to grant bail to the petitioner.



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5. E-court status filed by the petitioner was perused. Considering the facts and circumstances of the case and the submissions made by both counsel and also considering gravity of offence committed by the petitioner and according to the prosecution, he is a main person indulging in possession of commercial quantity of contraband and almost trial was begin and the case was posted for hearing on 11.10.2023 and at this stage, if he is released on bail, there is possibility of tampering the witnesses and hampering the investigation, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed. However, the prosecution is directed to produce the witness within a short time and since the accused concerned is in custody for a long period, the trial court is directed to conduct the trial and dispose the case within a period of three months from the date of receipt of copy of this order.

12.10.2023

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