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CrI.O.P.No. 18871 of 2023

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T.V.THAMILSELVI, J.

The petitioner, who was arrested and remanded to judicial custody on 23.12.2021 for the alleged offence under Sections 8(c) r/w 22(c), 28 and 29 of NDPS Act, pending trial in C.C.No.123 of 2022 on the file of 1st Addl. Special Judge for EC and NDPS Act Cases, Chennai, seeks bail.

2. The case of the prosecution is that on 23.12.2021, a secret information about the illegal transportation of ganja, the respondent police along with his team intercepted the petitioner's vehicle. On search, the petitioner along with other accused found in possession of 1 kg. of Methamphetamine and on the confession of A2 in this case, they have further seized another 1 kg. of Mthamphetamine from his residence and seized the same. Hence, the complaint.

3. The learned counsel for the petitioner submitted that this is the second petition seeking for bail and he is in judicial custody for more than



Crl.O.P.No. 18871 of 2023

WEB COPY

one year eleven months from 23.12.2021, but there is no progress in the trial. He would submit that he is aged about 71 years old and there is no recovery from this petitioner and he is an innocent person and he is no way connected with the case. He would submit that he has not at all committed any offence as alleged by the respondent police and he was not present at the scene of occurrence. He would submit that the investigation is almost completed and he would abide by any condition that may be imposed by this court. Hence, he prayed to grant bail to the petitioner.

4. The learned Special Public Prosecutor appearing for respondent would submit that from the petitioner's vehicle, the contraband of 1 kg. of methamphetamine and another 1 kg. of methamphetamine from his house, on the confession of A2, which are commercial quantity. He would submit that the petitioner is arrayed as A1 in this case. He would submit that now the trial was begun, however, the petitioner is not cooperating with the trial proceedings. Furthermore, he would also submit that when P.W.1 and 2 were examined, the petitioner has not cross-examined them and now the case is posted for examination of P.W.3. However the petitioner is not cooperating for the trial proceedings as well as cross-examining witnesses.



Crl.O.P.No. 18871 of 2023

He would submit that if he is released on bail, he would tamper the witnesses and hamper the investigation. Hence, he vehemently opposed to grant bail to the petitioner.

5. Considering the facts and circumstances of the case and the submissions made by both counsel, considering the gravity of offence committed by the petitioner by transporting huge quantity of contraband, the petitioner also travelled in the vehicle, also the fact that investigation is still pending and if he is released on bail, there is possibility of tampering the witnesses and hampering the investigation and the fact that there is no change of circumstances, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed. However, the trial court is directed to complete the trial and dispose the within a period of eight weeks from the date of receipt of copy of this order, since the accused is aged about 71 years and he is in judicial custody for more than one year 11 months from 23.12.2021.

02.11.2023

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Page 3 of 4



WEB COPY



Crl.O.P.No. 18871 of 2023

T.V.THAMILSELVI, J.

rpp

Crl.O.P.No. 18871 of 2023

02.11.2023