



Crl.O.P.No. 18952 of 2023

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T.V.THAMILSELVI, J.

The petitioner, who was arrested and remanded to judicial custody on 05.11.2020 for the alleged offence under Sections 8(c), 20(b)(ii)(C), 25 and 29(1) of NDPS Act, pending trial in C.C.No.131 of 2021 on the file of II Addl. Special Judge, Special Court for EC and NDPS Act, Chennai in Crime No.31 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on a secret information about the illegal transportation of ganja, the respondent police along with his team conducted a vehicle check-up, thereby they intercepted the petitioner's vehicle and on search, the petitioner along with other accused found in possession of 205 kgs. of ganja and seized the same. Hence, the complaint.



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3. The learned counsel for the petitioner submitted that this is the second petition seeking for bail and he is in judicial custody from 05.11.2020 for more than two years and nine months. He would submit that 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 co-accused was released on bail. He would submit that the investigation is almost completed and he would abide by any condition that may be imposed by this court and no previous case pending against him. He would also submit that as per the final report, no such occurrence was happened. Furthermore, he would submit that all the documents are provided in Tamil, but the language known to him only Malayalam. Hence, he prayed to grant bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that from the petitioner's vehicle, the contraband of 205 kgs. of ganja was recovered, which is a commercial quantity. He



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would submit that totally, 4 accused involved in this case and the petitioner is arrayed as A2 in this case. He would submit that the submission of petitioner's counsel as if no such occurrence happened is to be decided in the trial and not in the investigation. He would submit that all the witnesses are examined and on behalf of A2 to A4, they have engaged counsel to conduct the trial, however, A1 is concerned, no counsel is engaged by him. So, the trial proceedings could not be conducted. He would submit that at this stage, 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 ganja, 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 A1 has not engaged any counsel to appear on behalf of him to conduct the trial proceedings and also



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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 appoint a Legal Aid Counsel for A1 and to complete the trial and dispose the case within a period of two months from the date of receipt of copy of this order.

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