



CrI.O.P.No. 19813 of 2023

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T.V.THAMILSELVI, J.

The petitioner, who was arrested and remanded to judicial custody on 17.05.2018 for the alleged offence under Sections 8(c) r/w 22 C, 23, 28 and 29 of NDPS Act in C.C.No. 128 of 2018, pending trial on the file of I Addl. Special Judge for NDPS Act cases at Chennai in O.S.No.03/2018-PAD-INT(AIR), Chennai on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 14.05.2018, 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 consignment booked to various foreign countries like U.S.A., United Kingdom, Australia and on search of parcel, they found 5940 tablets in 40 parcels, which contains salts/substances (Alprazolam, Clonazepam, Diazepam, Lorazepam and Solpidem), which were scheduled under the NDPS Act and the same was prohibited for export. Accordingly, the same



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was seized. On enquiry, it was found that the said parcel was booked in the name of M/s. Vinayaga Agency and the petitioner is the proprietor of the said agency. 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 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 six years 4 months from 17.05.2021. He would also submit that the prosecution witness was examined on 14.06.2023 and thereafter, 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 was found in possession of 5940 tablets in 40 parcels, which contains salts/substances (Alprazolam,



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Clonazepam, Diazepam, Lorazepam and Solpidem), which were scheduled under the NDPS Act and the same was prohibited for export. He would further submit that the prosecution already examined all the witnesses and now the case was posted for accused evidence. 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.

5. 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 almost all the witnesses have been examined and the case was posted for accused evidence 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, since the accused is in long incarceration for more than 6 years and 4 months, if



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no evidence adduced on the side of the prosecution, the trial court is directed to conduct the trial on day-to-day basis without giving unnecessary adjournment and dispose the case within a period of six weeks from the date of receipt of copy of this order.

12.10.2023

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