



Crl.O.P.No.20352 of 2023

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A.D.JAGADISH CHANDIRA, J.

The Criminal Original Petition has been filed seeking to enlarge the petitioner on bail in C.C.No.334 of 2023 pending trial on the file of the Principal Special Court for EC & NDPS Act, Chennai, in connection with Crime No.13 of 2023 registered for the offence under Sections 8(c), 20(b)(ii)(C), 25, 29(1) of Narcotic Drugs and Psychotropic Substances Act, 1985.

2. The case of the prosecution is that on 25.01.2023, on receipt of a secret information about the illegal transportation of Narcotic Substance, the Inspector of Police along with his team, intercepted the vehicle of the accused bearing Registration No.TN 04 UC 1733 near Stanley Roundana, in which, they found that the accused were illegally transporting 44 kgs of Ganja. The respondent, after completion of investigation, filed a final report and the case has been taken up for trial in C.C.No.334 of 2023 on the file of the Principal Special Court for EC & NDPS Act, Chennai. Hence the case.



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3. Learned counsel appearing for the petitioner submitted that the petitioner, aged about 24 years, is an innocent person and he has been falsely implicated in this case. He further submitted that this is the third application for bail filed by the petitioner and the earlier bail applications filed by the petitioner in Crl.O.P.Nos.7448 & 11262 of 2023 have been dismissed by this Court vide orders dated 10.04.2023 & 05.06.2023. He also submitted that the petitioner is in custody from 25.01.2023 and hence, he sought for bail for the petitioner.

4. The respondent has filed a detailed counter.

5. Learned Government Advocate (Crl.Side) for the respondent submitted that this Court, finding that the contraband of 44 kilograms of Ganja, which is a commercial quantity, has been recovered from the conscious possession of the petitioner and also finding that the petitioner had not satisfied the twin conditions required under Section 37 of NDPS Act, had dismissed the earlier bail applications of the petitioner. He



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further submitted that the case has been taken up for trial in C.C.No.334 of 2023 on the file of the Principal Special Court for EC & NDPS Act, Chennai and the case now stands posted today for engaging counsel. He also submitted that on the earlier hearing before the trial Court, the other accused have engaged the counsel and so far, the petitioner has not engaged the counsel, thereby, he is attempting to protract the trial. He further submitted that the prosecution is not responsible for the delay in trial and the delay is only on account of the petitioner. Hence, he vehemently opposed for grant of bail to the petitioner.

6. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the materials available on record.

7. It is the case where the petitioner was found to be in conscious possession of 44 kilograms of Ganja, which is a commercial quantity and this Court, finding that the petitioner has not satisfied the twin conditions required under Section 37 of NDPS, had dismissed the



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earlier applications for bail filed by the petitioner. Further, it is seen that the prosecution is ready to commence the trial, whereas, the petitioner is responsible for the delay in trial.

8. Taking into consideration the above facts and circumstances and the submissions made by the learned counsel on both sides and finding that there is no change of circumstances, this Court is not inclined to grant bail to the petitioner.

9. Accordingly, this Criminal Original Petition stands dismissed.

15.11.2023

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