



WEB COPY



Crl.O.P.No. 20593 of 2023

Crl.O.P.No. 20593 of 2023

T.V.THAMILSELVI, J.

The petitioner, who was arrested and remanded to judicial custody on 07.02.2022 for the alleged offence under Sections 8(c) r/w 22(c) and 29 of NDPS Act in C.C.No. 226 of 2022 in R.R.No.06 of 2022 inn NCB. F.No.48/1/02/2022 NCB/MDS on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on a secret information, when the respondent police along with their team went to the scene of occurrence, at that time, on search, they found that the petitioner along with other accused was found in possession of 11 kgs. of white crystalline substance believed to be Amphetamine and seized the same. Hence, the complaint.



Crl.O.P.No. 20593 of 2023

WEB COPY

3. The learned counsel for the petitioner submitted that this is the second petition seeking for bail and he is in judicial custody from 09.02.2022 for more than 1 year and 9 months. He would submit that there is no specific overtact attributed against the 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 submit that he was falsely implicated in this case. He would further submit that the investigation is almost completed and now the case is riped for trial, but so far no witness was examined. Hence, he prayed to grant bail to the petitioner.

4. The learned Special Public Prosecutor appearing for respondent would submit that 11 kgs. of white crystalline substance believed to be Amphetetamine was recovered from the petitioner along with other accused. He would submit that now the trial is riped for trial and already three witnesses were examined and for framing of charges, it was posted for long period. He would submit that one of the witness was

Page 2 of 5



Crl.O.P.No. 20593 of 2023

WEB COPY

subsequently secured and the prosecution about to commence trial and A2 is still absconding. He would submit that if he is released on bail, he will tamper the witnesses and hamper the investigation and incharge trial judge is only conducting trial. 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 the contraband of 11 kgs. of white crystalline substance believed to be Amphetetamine was recovered and now trial was begun and already three witnesses were examined and A7 is still absconding and also considering the fact that 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, as pointed out by the learned Special Public Prosecutor that there is no trial judge to conduct the case, the incharge trial judge is directed to give some more importance to the case, where the accused are in custody for long



Crl.O.P.No. 20593 of 2023

WEB COPY

days by examining witnesses 1 or 2 on the date of attending court, since the accused are in custody for more than one year 10 months. With the said observation, the incharge trial judge is directed to complete the trial and dispose the case without giving unnecessary adjournment as expeditiously as possible within a period of three months from the date of receipt of copy of this order.

23.11.2023

rpp



WEB COPY



Crl.O.P.No. 20593 of 2023

T.V.THAMILSELVI, J.

rpp

Crl.O.P.No. 20593 of 2023

23.11.2023