



Crl.O.P.No. 22628 of 2023

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T.V.THAMILSELVI, J.

The petitioners, who were arrested and remanded to judicial custody on 26.03.2022 for the alleged offence under Sections 8(c), 20(b)(ii)(C), 25 & 29(1) of NDPS Act r/w Sec. 468, 471, 429 r/w 34 of I.P.C. in Spl. C.C.No. 115 of 2022 pending on the file of Special Judge for EC and NDPS Act Cases at Salem in Crime No.56 of 2022, 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 conducted a regular vehicle check-up, they intercepted the petitioners' vehicle and on search, they found that the petitioners along with other accused were in possession of 240 kgs. of ganja in a Tavera car and seized the same. Hence, the complaint.

3. The learned counsel for the petitioners submitted that this is the



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second petition seeking for bail and the are in judicial custody from 26.03.2022 for more than 1 year and 8 months. He would submit that there is no specific overtact attributed against the petitioners. He would submit that they have not at all committed any offence as alleged by the respondent police and they are no way connected with the occurrence. He would submit that no previous case pending against them and they are falsely implicated in this case. The 1st petitioner is only a driver in the vehicle, which was registered in the name of A1 only and the contraband was recovered from a car, so he is no way connected with the occurrence. He would further submit that the investigation is almost completed and inspite of direction given by this court, there is no progress in the trial. Hence, he prayed to grant bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that totally, 240 kgs. of ganja was recovered from a car, which is a commercial quantity. He would submit that now the trial is in progress and the incharge officer is conducting the trial, however, at this stage, if they are released on bail, they will tamper the witnesses and hamper the investigation. Hence, he vehemently opposed to grant bail to



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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 petitioners and the contraband of 240 kgs. of ganja recovered, which is a commercial quantity and now trial was begun and also considering the fact that if they are released on bail, there is possibility of tampering the witnesses and hampering the investigation, this Court is not inclined to grant bail to the petitioners. Accordingly, this Criminal Original Petition is dismissed. However, as pointed out by the learned Government Advocate 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 days by examining witnesses 1 or 2 on the date of attending court, since the accused are in custody for more than one year 8 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.



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