



Crl.O.P.No. 21277 of 2023

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T.V.THAMILSELVI, J.

The petitioner, who was arrested and remanded to judicial custody on 09.02.2022 for the alleged offence under Sections 8(C) r/w 22(c) and 29 of NDPS Act, pending trial in C.C.No.226 of 2022 on the file of Special Judge for NDPS Act Cases, Chennai in 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 07.02.2022, a secret information about the illegal transportation of ganja, the respondent police along with his team intercepted the petitioner's vehicle. On search, the petitioner along with other accused found in possession of 11 kgs. of white colored crystalline substance viz., Amphetamine at NH-16, Gummidipoondi, Tamil Nadu 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 for more than one year eight months from 09.02.2022, but there is no progress in the trial. 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 he was not present at the scene of occurrence and co-accused/A6 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. Hence, he prayed to grant bail to the petitioner.

4. The learned Special Public Prosecutor appearing for respondent would submit that from the petitioner's vehicle, the contraband of 11 kgs. of white colored crystalline substance viz., Amphetamne at NH-16, Gummidipoondi was recovered. He would submit that the petitioner is arrayed as A2 in this case and the other co-accused/A6 was released on bail and no previous case pending against him and the petitioner is a Sri Lankan



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refugee. He would submit that now the investigation is almost completed and also informed that there is no Presiding Officer for the concerned court. He would submit that 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 huge quantity of contraband, 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 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 complete the trial and dispose the within a period of four months from the date of receipt of copy of this order.



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