



Crl.O.P.No. 21840 of 2023

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C.V.KARTHIKEYAN, J.

The petitioner/A2 who was arrested and remanded to judicial custody on 28.10.2020, registered by the respondent Police for the offences under Sections 8(c) r/w 20(b)(ii)(C), 25 and 29(1) of NDPS Act, in Crime No.916 of 2020, seeks bail with respect to an occurrence which taken place on 05.12.2021.

2. There are four accused in this case and they were in possession of 321 kg 650 grams of Ganja.

3. It is the case of the prosecution that the contraband had been recovered from the possession of all the four accused.

4. The learned counsel for the petitioner placed only one aspect for consideration namely A1, A3 and A4 had been granted bail.

5. It is stated that in Crl.O.P.No.21110 of 2023 by an order dated 12.10.2023, a learned Single Judge of this Court had granted bail to one of the accused and in Crl.O.P.No.21321 of 20223 by an order dated 12.10.2023, the same learned Single Judge had granted bail to the other accused. It is also stated the Hon'ble Supreme Court had also granted bail to



CrI.O.P.No. 21840 of 2023

yet another accused/A4 by an order dated 31.10.2023 in SLP.(Criminal).No.3906 of 2023.

6.The reason why the Hon'ble Supreme Court had granted bail was that the trial had not progressed and that the appellant before the Hon'ble Supreme Court had undergone incarceration for a period about two years and ten months. However, the status of the case before the trial Court, wherein, the trial is ongoing in C.C.No.245 of 2021 before the II Additional Special Judge for NDPS Act, Chennai shows that the witnesses were not examined only because the counsel for the accused were not present.

7.The learned counsel for the petitioner stated that the counsel for the first accused was absent.

8.The counsel for the accused cannot take advantage of the bail already been granted to a few of the accused by absenting themselves for trial and thereby, urging that the delay in trial should be a ground for grant of bail. It is clear that it is a deliberate offence to scuttle judicial process. They must show their bonafide by cross examining the witnesses on the date when they are produced and when even the chief examination could not be conducted, since the counsel is absent. I am not able to convince myself to grant bail to the petitioner.



Crl.O.P.No. 21840 of 2023

WEB COPY

9.Hence, this Criminal Original Petition stands dismissed.

19.10.2023

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CrI.O.P.No. 21840 of 2023

C.V.KARTHIKEYAN, J.

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CrI.O.P.No.21840 of 2023

19.10.2023