



Crl.O.P.No.23499 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioner, who was arrested and remanded to judicial custody on 20.09.2021 for the offences under Sections 8(c) r/w 22(C), 25, 29(1) of Narcotic Drugs and Psychotropic Substances Act, 1985, in Crime No.305 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the *de facto* complainant is that on receipt of secret information about transportation of drugs, the respondent police had intercepted the Ford Eco Sport Car bearing Regn.No.TN-18-AP-6768 at the junction of Namasivayapuram Bridge and Muthiyappan Street, which was driven by A1 along with the second accused Ahamed at about 10.00 hours on 20.9.2021 and on search, the respondent police found that the petitioner and other accused have illegally transported 550 grams of Methamphetamine, which is a commercial quantity and hence, the respondent, after completion of investigation, filed a final report and the case has been taken up for trial



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in CC.No.97 of 2022 on the file of the I Additional Special Judge for NDPS and EC Act Cases, Chennai. Hence, the complaint.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and this is the fourth application for bail filed by the petitioner. He further submitted that the petitioner is only the Driver appointed by the first accused and other than that the petitioner has nothing to do with the alleged offence. He also submitted that this Court while dismissing the earlier bail application, had directed the trial Court to complete the trial in C.C.No.97 of 2022 as expeditiously as possible, preferably, within a period of six months from 30.03.2023. Despite the direction of this Court, the trial is not completed and the petitioner is still in custody from 20.09.2021 and thereby, he seek for bail for the petitioner.

4. Learned Government Advocate (Crl.Side) for the respondent submitted that it is the case where the petitioner along with other accused were found to be in illegal possession of 550 grams of



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Methamphetamine, which is a commercial quantity. He also submitted that 450 grams of Methamphetamine was recovered from A1 which was kept in the dash board of the Car and from the petitioner herein, 100 grams of Methamphetamine which was kept in a Flip Lock Cover was recovered. He further submitted that this Court, taking into consideration the fact that the recovered contraband was a commercial quantity and also finding that the petitioner has not satisfied the twin conditions as required under Section 37 of NDPS Act for grant of bail, had dismissed the application for bail.

5. He further submitted that this Court while dismissing the earlier bail application had directed the learned trial Judge to complete the trial in C.C.No.97 of 2022 as expeditiously as possible preferably, within a period of six months from 30.03.2023 and pursuant to which, out of 6 witnesses, so far 5 witnesses have been examined in Chief, whereas, the accused has not cross examined the witnesses and also filed a petition under Section 311 Cr.P.C to recall the witnesses and thereby, there was a delay in completing the trial. He also submitted that the



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prosecution is not responsible for the delay and the petitioner is the person who is responsible for the delay in the trial. 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 seen from the submissions made by the learned Government Advocate (Crl.Side) that pursuant to the direction issued by this Court vide order dated 17.03.2023, the prosecution has examined 5 witnesses in Chief, whereas, the petitioner has not cross examined the witnesses and also filed an application seeking to recall the witnesses. Thereby, there is a delay in completing the trial and the prosecution cannot be held responsible for the same.

8. In view of the above, finding that there is no delay on the part of the prosecution and also finding that the petitioner is responsible



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for the delay in trial, this Court is not inclined to grant bail to the petitioner.

9. Accordingly, this Criminal Original Petition stands dismissed.

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