



Crl.O.P.No.24283 of 2023

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A.D.JAGADISH CHANDIRA, J.

The Criminal Original Petition has been filed to enlarge the petitioner on bail in C.C.No.343 of 202 pending trial pending trial on the file of the Principal Special Court under NDPS Act, Chennai, in connection with Crime No.216 of 2022 registered for the offence under Sections 8(c) r/w 20(b)(ii)(C), 25, 29(1) of Narcotic Drugs and Psychotropic Substances Act, 1985.

2. The case of the prosecution is that on 30.04.2022, on receipt of a secret information, the respondent along with his team, conducted a vehicle check-up in Wall Tax Road, NSC Bose Road Junction, during which, they found that the accused were illegally transporting 60 Kilograms of Ganja in their four wheeler bearing Registration No.TN-07-BF-2381. The respondent had arrested the accused, recorded their confession statements and seized the contraband under the cover of seizure mahazar in the presence of witnesses. Hence the case.



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3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He also submitted that this is the second application for bail filed by the petitioner and this Court had dismissed the earlier bail application in Crl.O.P.No.11236 of 2023 with a direction to the trial Judge to complete the trial as expeditiously as possible, preferably, within a period of four months from the receipt of copy of that order. However, despite the order being passed by this Court on 08.06.2023, the prosecution has not even examined a single witness. He further submitted that the petitioner is in custody from 30.04.2022 and he is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that it is the case of recovery of 60 kilograms of Ganja, which is a commercial quantity, from the four wheeler bearing Registration No.TN-07-BF-2381. He further submitted that the petitioner was earlier detained under Act 14 by an order dated



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06.07.2022 and the detention order was quashed by this Court in H.C.P.No.1806 of 2022 vide order dated 08.03.2023. He also submitted that in this case, the petitioner has filed a petition under 91 Cr.P.C seeking for tower details and the same is pending in Crl.M.P.No.5231 of 2023 from 13.07.2023 and only due to which, there was a delay. He further submitted that after the dismissal of the petitioner's earlier bail application, the respondent Police are ready to get along with the trial.

5. He also submitted that this Court, finding that the contraband seized is about 60 kilograms and also finding that the petitioner has not satisfied the conditions required under Section 37 of NDPS Act, had dismissed the petition. Further, there are pending old cases and the learned trial Judge has to give priority to old cases, wherein, the accused are languishing in prison for longer periods. Thereby, he prayed for dismissal of the petition.

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.



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7. It is the case where the petitioner along with two other accused was found to be in illegal possession of 60 kilograms of Ganja, which is a commercial quantity, in their car bearing Registration No.TN-07-BF-2381. Further, this Court finding that the petitioner has not satisfied the conditions required under Section 37 of NDPS Act had dismissed the earlier bail petition and also directed the trial Court to complete the trial within a period of four months from the date of receipt of copy of that order. However, now it is submitted that the petitioner has also filed a petition under 91 Cr.P.C seeking certain details and thereby, there had been a delay. Further, the learned Government Advocate (Crl.Side) submitted that some other old cases are pending in which the accused are also in custody, thereby, there could be some delay in trial.

8. Taking into consideration the above facts and circumstances of the case and the submissions made by the learned counsel on either side, this Court is not inclined to grant bail to the petitioner.



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9. Accordingly, this Criminal Original Petition stands dismissed.

20.10.2023

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