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Crl.O.P.No.27289 of 2023

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A.D.JAGADISH CHANDIRA, J.

The Criminal Original Petition has been filed seeking to enlarge the petitioner on bail in C.C.No.45 of 2022 pending trial on the file of the learned Additional District Judge/Presiding Officer, Special Court for EC & NDPS Act Cases, Coimbatore, in connection with Crime No.16 of 2022 registered for the offence under Sections 8(c) r/w 20(b)(ii)(c) and 25 of Narcotic Drugs and Psychotropic Substances Act, 1985.

2. The case of the prosecution is that on 16.12.2021, the Sub Inspector of Police, Anupparpalayam, Tiruppur City along with his team had conducted a vehicle check in Angeripalayam Road nearby Kongu Vellalar Matric School, during which, they intercepted one Travera car, wherein, they found that the accused were in illegal possession of 340 kilograms of Dry Ganja which is a commercial quantity. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the



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petitioner, aged about 27 years, is an innocent person and other than being the driver of the car, he has nothing to do with the alleged offence.

He further submitted that this is the second application for bail filed by the petitioner and the earlier bail application filed by the petitioner in Crl.O.P.No.26283 of 2022 has been dismissed by this Court vide order dated 31.10.2022 with a direction to complete the trial as expeditiously as possible, preferably, within a period of six months from the date of receipt of a copy of that order, however, despite the lapse of one year, the trial has not been commenced. He also submitted that the petitioner is suffering incarceration from 16.12.2021 and thereby, he sought for bail for the petitioner on the ground of long incarceration. He further submitted that the petitioner is ready to offer adequate sureties for his release on bail and also prepared to abide by any stringent conditions that may be imposed by this Court.

4. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that it is the case where the petitioner (A1) along with other accused was arrested for illegally transporting 340 kgs of Dry



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Ganja, which comes under commercial quantity. He further submitted that this Court, taking into consideration the quantity of contraband recovered and also finding that the petitioner had not satisfied the twin conditions required under Section 37 of NDPS Act, had dismissed the earlier bail application filed by the petitioner. He further submitted that there are three accused in this case and since the accused 2 & 3 are absconding, the case has been split up against the petitioner (A1) herein and has been taken up for trial in C.C.No.45 of 2022 on the file of the Special Court for EC & NDPS Act Cases, Coimbatore. He also submitted that the case now stands posted on 11.12.2023 for examining PW1. He further submitted that there are 18 witnesses and the prosecution will be able to complete the trial within a period of six months. However, he opposed for grant of bail to the petitioner.

5. 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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6. It is the case where the petitioner along with other accused was found to be in possession of 340 kilograms of Ganja, which is a commercial quantity and this Court, finding that the petitioner has not satisfied the twin conditions required under Section 37 of NDPS, had dismissed the earlier application for bail filed by the petitioner with a direction to complete the trial as expeditiously as possible, preferably, within a period of six months from the date of receipt of a copy of that order. However, now it is stated by the prosecution that the delay was on account of the abscondence of accused 2 & 3 and thereby, the case has been split up against the petitioner herein and the case stands posted for examination of PW1 on 11.12.2023.

7. Taking into consideration the above facts and circumstances of the case and the submissions made by the learned Government Advocate (Crl.Side) that the trial has been commenced in respect of this petitioner, this Court is not inclined to grant bail to the petitioner.

8. Accordingly, this Criminal Original Petition stands



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dismissed. However, the learned trial Judge is directed to complete the trial as expeditiously as possible, preferably, within a period of three months from the date of receipt of a copy of this order.

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