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Crl.O.P.No. 24368 of 2023

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T.V.THAMILSELVI, J.

The petitioner, who was arrested and remanded to judicial custody on 26.03.2022 for the alleged offence under Sections 8(c), 20(b)(ii)(C), 25, 27(A) and 29(1) of NDPS Act, pending trial in Spl. C.C.No. 115 of 2022 pending on the file of Principal NDPS Court, Salem in Crime No.56 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on a secret information, when the respondent police conducted a regular vehicle check-up, they intercepted the petitioner's vehicle and on search, they found that the petitioner along with other accused were in possession of 300 kgs. of ganja in a car and seized the same. Hence, the complaint.

3. The learned counsel for the petitioner submitted that this is the seventh petition seeking for bail and he is in judicial custody from 26.03.2022 for more than 1 year and 8 months. He would submit that there



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is no specific overtact attributed against the petitioner. He would submit that he has not at all committed any offence as alleged by the respondent police and he is no way connected with the occurrence. He would submit that no previous case pending against him and he was falsely implicated in this case. He would further submit that the investigation is almost completed and inspite of direction given by this court, there is no progress in the trial. Hence, he prayed to grant bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that totally, 300 kgs. of ganja was recovered from a car, which is a commercial quantity. He would submit that now the trial is in progress and the incharge officer is conducting the trial, however, at this stage, if he is released on bail, he will 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 and also considering gravity of offence committed by the petitioners and the contraband of 300 kgs. of ganja



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recovered, which is a commercial quantity and now trial was begun and also considering the fact that if he is released on bail, there is possibility of tampering the witnesses and hampering the investigation, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed. However, as pointed out by the learned Government Advocate that there is no trial judge to conduct the case, the incharge trial judge is directed to give some more importance to the case, where the accused are in custody for long days by examining witnesses 1 or 2 on the date of attending court, since the accused is in custody for more than one year 8 months. With the said observation, the incharge trial judge is directed to complete the trial and dispose the case without giving unnecessary adjournment as expeditiously as possible.

23.11.2023

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