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CrI.O.P.No.25527 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioner (A3) who was arrested and remanded to judicial custody on 13.03.2020 in C.C.No.103 of 2020 pending trial on the file of the learned Principal Special Judge for EC & NDPS Act Cases, Chennai, in connection with R.R.No.15 of 2020 (File No. DRI/CZU/VIII/48/ENQ-1/INT-06/2020) registered for the offences punishable under Sections 8(c) r/w 22(c), 28 and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985, seeks bail.

2. The case of the prosecution is that on receipt of a secret information about the illegal trading of Narcotic Substance, the respondent went to the place of occurrence, wherein, they found that the accused have indulged in illegal trading of Tramadol tablets and from them 22.695 kilograms of Tramadol tablets were recovered. Thereby, the case came to be registered and after completion of investigation, final report has been filed and the case has also



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been taken up for trial in C.C.No.103 of 2020, on the file of the learned Principal Special Judge for EC & NDPS Act Cases.

3. Learned counsel appearing for the petitioner submitted that this is the fourth application for bail filed by the petitioner before this Court and this Court had dismissed the earlier bail applications filed in Crl.O.P.Nos.11336 of 2020, 14603 of 2021 & 6584 of 2023 vide orders dated 23.12.2020, 17.02.2021 & 29.03.2023 respectively. He further submitted that the petitioner is an innocent person, who was arrested on 13.03.2020 and he is suffering incarceration for more than three years. He also submitted that the trial has commenced and out of 19 witnesses, so far the prosecution has examined only 6 witnesses and there had been a delay in trial. Therefore, since the petitioner is suffering long period of incarceration, he prayed for grant of bail to the petitioner.

4. Mr.N.P.Kumar, learned Special Public Prosecutor submitted that it is the case where the petitioner along with three other accused was found to be indulged in illegal trading of Tramadol tablets and from them 22.695 kilograms



of Tramadol tablets were recovered, which is a commercial quantity. He further submitted that this Court, taking into consideration the entire facts and materials had dismissed the petitioner's earlier bail application vide an elaborate order dated 23.12.2020 and thereafter, the petitioner had moved twice before this Court, which had also been dismissed. He also submitted that the trial has commenced in the year 2020 itself and the respondent has been examining the witnesses in a time bound manner, however, the accused are protracting the trial by not cross examining the witnesses on the same day and later, they have filed the petition under Section 311 Cr.P.C., seeking to recall the witnesses and thereby, the defense is causing delay in the trial. He further submitted that the respondent have also dispensed with some of the witnesses and if time frame is fixed, the respondent are ready to complete the trial within the specified period. Thereby, he sought for dismissal of the petition.

5. Heard the learned counsel for the petitioner, learned Special Public Prosecutor for the respondent and perused the materials available on record including the final report.



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6. It is the case, where, the petitioner along with other accused was found to have indulged in illegal trading of 22.695 kilograms of Tramadol tablets, which is a commercial quantity. Further, taking note of the entire materials and finding that the petitioner has not satisfied the conditions required under Section 37 of NDPS Act, this Court had dismissed the earlier bail applications of the petitioner. In view of the above facts and circumstances of the case and the submissions made by the learned Special Public Prosecutor, this Court finds that the respondent has examined 6 witnesses and only the accused have been taking time one after another for cross examining the witnesses and thereby, the prosecution is not responsible for the delay in the trial.

7. In view of the above, finding that there is no delay on the part of the prosecution and also finding that the accused are responsible for the delay in trial, this Court is not inclined to grant bail to the petitioner.

8. Accordingly, this Criminal Original Petition stands dismissed. However, the learned Principal Special Judge for EC & NDPS Act Cases,



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Chennai, is directed to complete the trial in C.C.No.103 of 2020 as expeditiously as possible, preferably, within a period of six months from the date of receipt of copy of this order.

07.11.2023

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