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Crl.O.P.No. 25804 of 2023

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T.V.THAMILSELVI, J.

The petitioner, who was arrested and remanded to judicial custody on 25.04.2022 for the alleged offence under Sections 8(c) r/w 20(b)(ii)(C), 29(1) and 25 of NDPS Act in Spl. C.C.No. 76 of 2022 pending on the file of Special Judge for EC and NDPS Act Cases at Salem in Crime No.50 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on a secret information, on the date of occurrence, when the respondent police conducted a regular vehicle check-up, they intercepted the petitioner's vehicle and on search, they found the petitioner along with other accused in possession of 340 kgs. of ganja in a Bolero pickup vehicle as well as in the house of 4th accused and seized the same. Hence, the complaint.

3. The learned counsel for the petitioner submitted that this is the fourth petition seeking for bail and he is in judicial custody from 25.04.2022 for more than 1 year and 7 months. He would submit that there



Crl.O.P.No. 25804 of 2023

WEB COPY

is no specific overtact attributed against this 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 and he was falsely implicated in this case. He would submit that on 25.02.2022, he was arrested for another case and subsequently, in this case, he was included by the respondent police. He would further submit that the investigation is almost completed and for more than 1 ½ years, there is no progress in the trial. Hence, he prayed to grant bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that the accused have involved in illegal transportation of 340 kgs. of ganja, which is a commercial quantity. And the petitioner is arrayed as A7. He would submit that against the order passed by this court on 08.06.2023, the petitioner has preferred an appeal before the Apex Court and the same was also dismissed. He would submit that there are 7 previous cases pending against him and now the case is posted for examination of L.W.1 on 29.11.2023 and 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.



Crl.O.P.No. 25804 of 2023

WEB COPY

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 petitioner and the contraband of 340 kgs. of ganja recovered, which is a commercial quantity and now trial was begun and for examination of L.W.1, the case is posted on 29.11.2023, and also considering the fact that there are 7 previous cases pending against him, which are similar in nature and at this stage 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 are in custody for more than one year 7 months and complete the trial and dispose the case as early as possible.

23.11.2023

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Page 3 of 4



WEB COPY



Crl.O.P.No. 25804 of 2023

T.V.THAMILSELVI, J.

rpp

Crl.O.P.No. 25804 of 2023

23.11.2023