



Crl.O.P.No.25938 of 2023

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C.V.KARTHIKEYAN, J.

The petitioner/A2 is an accused in C.C.No.60 of 2022 pending before the Special Court for Essential Commodities Act cases, Coimbatore seeks bail. Originally, Crime No.22 of 2022 had been registered for the offences under Sections 8(c), 20(b)(ii)(C), 25 and 29(1) NDPS Act.

2.Heard the learned counsel for the petitioner and the learned Government Advocate (Criminal side).

3.The case of the prosecution is that, on 04.02.2022, a Ashok Leyland mini lorry was intercepted at Valayar check-post, within the police limits at Velampalayam Police station. It is stated that actually the lorry tried to evade from the respondent. While searching the lorry, there were 88 packets each containing 2 kgs of ganja, totally 176 kgs had been seized. The 1st accused was the driver of the lorry and the present petitioner/the 2nd accused was the occupant of the lorry.



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4.The learned counsel for the petitioner states that the contraband had not been seized from the present petitioner.

5.I will keep that issue open, since the matter is to be examined during the course of trial.

6.The learned counsel for the petitioner further stated that the petitioner had been in custody from 04.02.2022 and only charges have been framed, though nearly 22 months have passed by and stated that evidence had not even commenced. The learned counsel relies on observations of the Hon'ble Supreme Court, wherein it had been observed that liberty is an essential and fundamental right of every citizen and permanency in custody, should be frowned upon by the Court. There should be movement in the trial process and it should not stagnate in any one stage.

7.A direction is given to the Special Court for Essential Commodities Act cases, Coimbatore where C.C.No.60 of 2022 is concerned, and also to the investigative agency to marshal the witnesses and to examine the witnesses. If it is found that there is a delay on the side of the prosecution



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in marshalling the witnesses or examining the witnesses or producing the material object and trial stagnates due to that, the petitioner is at liberty to file fresh petition seeking bail on that particular ground.

8.The learned trial Judge may endeavour to commence the trial process immediately and complete it on or before 30.06.2024. In the interregnum period, if there is a delay on the side of the prosecution then the petitioner is at liberty to file petition seeking similar relief.

9.With the above directions, this Criminal Original Petition is dismissed.

23.11.2023

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