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Crl.O.P.No. 1496 of 2024

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T.V.THAMILSELVI, J.

The petitioner, who was arrested and remanded to judicial custody on 31.03.2022 for the alleged offence under Sections 8(c), 20(b)(ii)(c) & 29(1) of NDPS Act and later it was altered into Sec.8(c) r/w 20(b)(ii)(c), 29(1) and 25 of NDPS Act in C.C.No. 171 of 2022 pending on the file of Principal Special Judge, Special Court under EC and NDPS Act at Chennai in Crime No.178 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 30.03.2022, on a secret information, the respondent police intercepted the petitioner's vehicle and on search, they found that the petitioner along with other accused were in possession of 21.300 kgs. of ganja and seized the same. Hence, the complaint.

3. The learned counsel for the petitioner submitted that this is the third petition seeking for bail and he is in judicial custody from 31.03.2022 for more than 1 year and 10 months. He would submit that there is no

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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. He would further submit that there is no recovery of contraband from this petitioner and only from A1 and A3, the contraband was recovered. the investigation is almost completed. He would further submit that inspite of direction given by this court, 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 totally, there are 5 accused involved in this case and the petitioner is arrayed as A3. He would submit that he is having 7 previous cases, which are similar in nature. He would submit that he was in possession of 25 kgs of ganja and he involved in the offence of illegally transporting ganja along with other accused. He would submit that the case was posted for examination of L.W.1 on 05.02.2024. So 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



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submissions made by both counsel and also considering gravity of offence committed by the petitioner and according to the prosecution, he is a main person indulging in possession of commercial quantity of contraband and now the case was posted on 05.02.2024 for examination of L.W.1 and at this stage, if he is released on bail, there is possibility of tampering the witnesses and hampering the investigation and also the fact there is no change of circumstances, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed. However, since the accused is in judicial custody for more than one year 10 months, the trial court is directed to complete the trial and dispose the case within a period of four months from the date of receipt of copy of this order.

07.02.2024

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