



Crl.O.P.No. 2541 of 2024

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T.V.THAMILSELVI, J.

The petitioner, who was arrested and remanded to judicial custody on 05.12.2022 for the alleged offence under Sections 8(c) r/w 20(b)(ii)(C), 25 and 29(1) of NDPS Act, pending trial in C.C.No.128 of 2022 on the file of Special Court for EC/NDPS Act Cases, Salem in Crime No.32 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on a secret information about the illegal transportation of ganja, the respondent police along with his team intercepted the petitioner's vehicle. On search, the petitioner along with other accused found in possession of 200 kgs. of ganja and seized the same. Hence, the complaint.

3. The learned counsel for the petitioner submitted that this is the fifth petition seeking for bail and he is in judicial custody for more than 1 year 2 months, but there is no progress in the trial. He would submit that based on the confession of A1 and A2, he was falsely implicated in this



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case and the vehicle belong to A1 and there is no recovery from this petitioner and he is an innocent person and he is no way connected with the case. He would submit that he has not at all committed any offence as alleged by the respondent police and he was not present at the scene of occurrence and co-accused was released on bail. He would submit that the investigation is almost completed and he would abide by any condition that may be imposed by this court and no previous case pending against him. Hence, he prayed to grant bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that from the petitioner's vehicle, the contraband of 200 kgs. of ganja was recovered. He would submit that totally, 3 accused involved in this case and the petitioner is arrayed as A3 in this case and all the accused are in judicial custody. He would submit that as per the instructions of A1 and A2, he has actively participated in the offence and one previous case pending against him and now the case is posted for examination of L.W.1 and 2. He would submit that if he is released on bail, he would tamper the witnesses and hamper the investigation. Hence, he vehemently opposed to grant bail to the petitioner.



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5. On seeing the facts, in a Ashok Leyland lorry, all the three accused travelled, in which the alleged contraband of 200 kgs. of ganja was recovered, thereby the petitioner has actively participated in the offence. Considering the facts and circumstances of the case and the submissions made by both counsel, considering the gravity of offence committed by the petitioner by transporting ganja, the petitioner also travelled in the vehicle, also the fact that investigation is still pending and if he is released on bail, there is possibility of tampering the witnesses and hampering the investigation and there is one previous case similar in nature pending against him and the fact that 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, 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 complete the trial and dispose the case within a period of three months from the date of receipt of copy of this order, since the accused is in custody for more than 1 year 2 months.



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