



Crl.O.P.No. 5756 of 2024

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T.V.THAMILSELVI, J.

The petitioner, who was arrested and remanded to judicial custody on 09.02.2022 for the alleged offence under Sections 8(c) r/w 22(c), 27, 28 and 29 of NDPS Act, pending trial in C.C.No. 226 of 2022 on the file of 1st Addl. Special Judge for NDPS, Chennai in NCB. F.No.48/1/02/2022 NCB/MDS on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on a secret information, when the respondent police along with their team went to the scene of occurrence, at that time, on search, they found that the petitioner along with other accused indulged in trafficking and they were found in possession of 11 kgs. of white crystalline substance believed to be Amphetamine, which is a prohibited psychotropic substances under NDPS Act and seized the same. Hence, the complaint.



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3. By relying the release of co-accused A3 and A7, the learned counsel for the petitioner submitted that this is the third petition seeking for bail and he is in judicial custody from 09.02.2022 for more than 2 years 1 month. He would submit that there is no specific overtact attributed against the 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 submit that he was falsely implicated in this case. He would further submit that the investigation is almost completed and now the case is riped for trial, but so far no witness was examined and there is no progress in the trial. Hence, he prayed to grant bail to the petitioner.

4. The learned Special Public Prosecutor appearing for respondent would submit that 11 kgs. of white crystalline substance believed to be Amphetetamine was recovered from the petitioner along with other accused. He would submit that he has acted as a mediator for purchasing huge quantity of 11 kgs. Methamphetamine on 07.02.2022 and he is a Srilankan refugee. He would submit that now the trial is riped for trial and already



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three witnesses were examined and for framing of charges, the case was posted for hearing. He would submit that if he is released on bail, he will tamper the witnesses and hamper the investigation and incharge trial judge is only conducting trial. Hence, he vehemently opposed to grant bail to the petitioner.

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 fact that the petitioner was acted as a mediator to purchase the contraband of 11 kgs. of white coloured crystalline powder to be Methamphetamine, thereby he involved in illegal transportation and during the preliminary enquiry, it was revealed that the other co-accused were in Tamil Nadu for attending a marriage, due to which, the co-accused were released on bail and though there is no recovery from this petitioner, on seeing the facts, there is a specific overtact against him and the fact that now the trial was begun and already witnesses were examined and also considering the fact that if he is released on bail, there is possibility of tampering the witnesses and hampering the investigation, this



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Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed. However, as pointed out by the learned counsel for petitioner that inspite of a direction of this court to complete the trial within a period of three months, there is no progress in the trial. Hence, the incharge trial judge is directed to complete the trial and dispose the case without giving unnecessary adjournment as expeditiously as possible within a period of three months from the date of receipt of copy of this order without fail. Furthermore, **registry is directed to call for remarks from the I Addl. Special Judge for NDPS and EC Act Cases, Chennai, why the order passed by this court on 23.11.2023 not complied within a stipulated time and submit a report before this court.**

27.03.2024

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