



Crl.O.P.No.4250 of 2024

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A.A.NAKKIRAN,J

The petitioner, who was arrested and remanded to judicial custody on 03.12.2021, in connection with Crime No.25 of 2021 registered for the offences punishable under Sections 8(c) r/w 20(b) (ii) (C) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (pending on the file of the II Additional Special Court for Exclusive Trial of Cases under NDPS Act , Chennai), seeks bail.

2.The case of the prosecution is that the petitioner was found in illegal possession of 22 kgs of ganja. Hence, the case.

3. Learned counsel for the petitioner submitted that this is the third bail petition and the earlier bail petition filed by the petitioner in Crl.O.P No.21734 of 2023 was dismissed by this Court on 04.10.2023, with a direction to the trial Court to dispose the case within a period of four months. But, the trial has not been completed within a stipulated time. He further submitted that the petitioner is in prolonged period of incarceration i.e from



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03.12.2021 and hence, he prays to grant bail to the petitioner. In support of his contention, the learned counsel for the petitioner relied on the judgments of the Hon'ble Supreme Court in the case of i) Mohd Muslim @ Hussain vs. State (NCT of Delhi) reported in **2023 LiveLaw (SC) 260** and ii) Rabi Prakash vs. The State of Odisha reported in **2023 LiveLaw (SC) 533**.

4. Learned Government Advocate (Criminal Side) appearing for the respondent filed a counter affidavit stating that there are totally 7 witnesses, out of which the evidence was completed upto LW5 and Lab witness and Investigating Officer have to be examined and the case is posted on 12.03.2024 for recalling of witnesses LW1 and LW2 u/s.311 Cr.P.C. He further submitted that the delay occurred for not completing the trial is only on the part of the petitioner, but not on the part of the prosecution. He further submitted that when the case was for posted for trial, the petitioner/accused had not come forward to cross examine the witnesses and instead, he filed a petition u/s. 311 Cr.P.C. to recall the evidence of PW1 and PW2 and the same was pending adjudication. If the petitioner/accused is let out on bail, there is every possibility that he will flee away and hamper the trial. Hence, he strongly opposed for grant of bail to the petitioner.



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5. From the aforesaid submissions made by the Government Advocate (Crl. Side), it is clear that the delay for not completing the trial is, only on the part of the petitioner. Moreover, the trial is at the fag end. Hence, this Court is not inclined to grant bail to the petitioner at this stage.

6. Accordingly, this Criminal Original Petition is dismissed. However, the II Additional Special Court for Exclusive Trial of Cases under NDPS Act, Chennai, is directed to dispose of the case within a period of one month from the date of receipt of a copy of this order. The petitioner/accused is directed to co-operate with the trial proceedings.

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