



Crl.O.P.No.6296 of 2024

T.V.THAMILSELVI, J.

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The Criminal Original Petition has been filed seeking to enlarge the petitioner on bail in in C.C.No.170 of 2021, pending trial on the file of the learned I Additional Special Judge for NDPS Act, Chennai in connection with R.R.No.57 of 2020 registered for the offence under Sections 8(c), 20(b)(ii)(C), 25, 28 and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985.

2. Learned counsel appearing for the petitioner submitted that this is the fifth application for bail filed by the petitioner before this Court. He also submitted that the co-accused/A1 in this case has been granted bail by the Hon'ble Supreme Court for the reason that the incarceration undergone by him was more than three years and the trial is not yet concluded. He further submitted that the petitioner was arrested only based on the confession of the first accused and no recovery was made from him. He also submitted that even the bank statement of the petitioner would go to show that there is nothing unusual transaction in his account and he is no way connected with the alleged offence. He further submitted that the petitioner is in custody from 24.03.2022,



whereas, there is no progress in the trial and the petitioner was not at all produced by the prosecution before the Court, thereby, he sought for bail for the petitioner on the ground of long incarceration.

3. The respondent has filed a detailed counter.

4. Learned Special Public Prosecutor for NCB appearing for the respondent raised objection for granting bail to the petitioner stating that it is the case where the accused were arrested for illegally transporting 288.500 kilograms of Ganja in the Eicher truck bearing Registration No.AP 05 Y 4473, which comes under commercial quantity. He further submitted that the first accused was released on bail by the Hon'ble Apex Court since he has no criminal antecedents. He also submitted that the petitioner, who is the owner of the truck, had purchased the truck only for the purpose of trafficking ganja from Andhra Pradesh to Tamil Nadu. He further submitted that the petitioner/A3 is having several previous cases including NDPS Act cases and he is a history sheeter known for Ganja trafficking. He also submitted that the trial in this case has been commenced and there are eight witnesses, out of which, four have already been examined in chief, however, some of them are



not cross examined by the petitioner. He further submitted that there is no change in circumstances and the petitioner should not be treated as par with the first accused. Further, the petitioner is a native of Andhra Pradesh, therefore, if he is released on bail, there is a possibility of him absconding and would derail the progress of the trial.

5. Heard the learned counsel for the petitioner and the learned Special Public Prosecutor for NCB cases for the respondent and perused the materials available on record including the Counter filed by the respondent.

6. Taking into consideration the above facts and circumstances of the case and the submissions made by the learned Special Public Prosecutor for NCB Cases and taking note of the previous antecedents of the petitioner and considering the fact that he has not satisfied the twin conditions required under Section 37 of NDPS Act, this Court feels that the petitioner herein stands on the different footing from the first accused. Therefore, this Court is not inclined to grant bail to the petitioner. However, the trial Court is directed to permit the petitioner to conduct his case by engaging a counsel and further, the trial Court is directed to complete the trial at the earliest.



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7. Accordingly, this Criminal Original Petition stands dismissed.

24.04.2024

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