



Crl.O.P.No.8133 of 2024

T.V.THAMILSELVI, J.

The Criminal Original Petition has been filed seeking to enlarge the petitioner on bail in C.C.No.74 of 2020, pending trial on the file of the II Additional Special Judge for NDPS Act Cases, Chennai, for the offence under Sections 8(c) r/w 20(b)(ii)(C), 25, 27A, 28, 29 and 31 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 despite the directions issued by this Court, the trial in C.C.No.74 of 2020 is not yet completed and there is no progress in the trial. He also submitted that the petitioner is suffering incarceration from 18.12.2019, thereby, he sought for bail to the petitioner on the ground of long incarceration.

3. Learned Government Advocate (Crl.Side) appearing for the respondent raised objection for granting bail to the petitioner stating that it is



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the case where, 210 kilograms of Ganja was seized from the accused, which is a commercial quantity. He further submitted that there are 7 witnesses in this case and there is no regular judge in the trial Court, however, 5 witnesses were examined and the case now stands posted to 26.04.2024 for examination of LW4 & LW7. He also submitted that the petitioner has not satisfied the twin conditions required under Section 37 of the NDPS Act. He further submitted that three previous cases including NDPS Act cases are pending against the petitioner and therefore, if he is released on bail, there is a possibility that he may try to jump bail, evade the trial proceedings and also try to tamper with the evidence.

4. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) cases for the respondent and perused the materials available on record.

5. Taking into consideration the above facts and circumstances of the case and the submissions made by the learned Government Advocate (Crl.Side), taking note of the fact that the petitioner has not satisfied the twin



conditions required under Section 37 of NDPS Act and there is no change of circumstances, this Court is not inclined to grant bail to the petitioner.

6. Accordingly, this Criminal Original Petition stands dismissed. However, the trial Judge holding the additional charge of the II Additional Special Court for Exclusive trial of cases under NDPS Act, Chennai, is directed to complete the trial as early as possible, preferably, within a period of three months from the date of receipt of a copy of this order.

24.04.2024

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