



Crl.O.P.No.26715 of 2024

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M.DHANDAPANI,J.

The petitioner who was arrested on 11.12.2019 and remanded to judicial custody on 12.12.2019 for the offence under Section 8(c) r/w Sections 20(b)(II), 22, 28, 29 and Section 9A r/w Section 25A of the NDPS Act and punishable under Sections 20(b)(ii)(B), 22(c), 28, 29 and Section 9A r/w Section 25A of the NDPS Act and upon completion of the investigation the respondent Police filed final report and the same was taken on file in C.C.No.66 of 2020 by the I Additional Special Court for Exclusive Trial of Cases under NDPS Act, Chennai, seeks bail.

2.This Court while dismissing the petition seeking bail filed by the petitioner herein in Crl.O.P.No.7022 of 2024 on 10.04.2024, directed the I Additional Special Court for Exclusive Trial of Cases under NDPS Act, Chennai to conclude the trial in C.C.No.66 of 2020, within a period of six months from the date of receipt of a copy of the order. Since the trial has not yet been concluded, the petitioner has filed this petition seeking bail.



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3. On 13.11.2024, when this petition was taken up for consideration, it was contended that the petitioner is in judicial custody for more than 4 years 10 months and that C.C.No.66 of 2020 has not yet been disposed of. Hence, this Court directed the I Additional Special Court for Exclusive Trial of Cases under NDPS Act, Chennai, to file a report before this Court stating the reason for not disposing of the case in C.C.No.66 of 2020.

4. Accordingly, the learned Special Judge, I Additional Special Court under NDPS Act, Chennai, has sent a report to this Court on 26.11.2024 stating that except one witness, the prosecution had examined all the other witnesses and now the case stand posted for examination of the last witness LW8 on 28.11.2024 and that three of the prosecution witnesses were not cross examined by the learned defence counsel.

5. The learned Special Public Prosecutor submitted that all the prosecution witnesses were examined and further submitted that since the petition seeking bail is pending before this Court, the accused deliberately has not cross examined the prosecution witnesses.

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6.Considering the gravity of the offence and since the quantity of the contraband seized is a commercial quantity, this Court is not inclined to grant bail to the petitioner. However, this Court directs the learned Special Judge, I Additional Special Court for Exclusive Trial of Cases under NDPS Act, Chennai, to conclude the trial in C.C.No.66 of 2020 within a period of four months from the date of receipt of a copy of this order.

7.This criminal original petition is dismissed.

03.12.2024

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