



Crl.O.P.No. 26400 of 2024

WEB COPY

Crl.O.P.No. 26400 of 2024

T.V.THAMILSELVI, J.

The petitioner, who was arrested and remanded to judicial custody on 26.03.2021 for the alleged offence under Sections 8(c), 20(b)(ii)(C), 29(1) and 25 of NDPS Act, pending trial in C.C.No.315 of 2021 on the file of II Addl. Special Judge, Special Court under EC & NDPS Act, Chennai in Crime No.13 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 26.03.2021, on a secret information about the illegal transportation of narcotic substances, on the date of occurrence, when the respondent police have conducted a vehicle check-up, at that time they intercepted the petitioner's vehicle and on search, they found the petitioner along with other accused in possession of 150 kgs. of ganja and seized the same. Hence, the complaint.



Crl.O.P.No. 26400 of 2024

WEB COPY

3. The learned counsel for the petitioner submitted that this is the fifth petition seeking for bail and he is in judicial custody from 26.03.2021 for more than 3 years and 7 months. He would submit that for the convenience to drive the vehicle from Rajahmundry to Chennai, the petitioner accompanied with him and he was not aware anything more about the transaction. He would submit that there is no specific overtact attributed against this 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 and he was falsely implicated in this case. He would submit that the investigation is almost completed and for more than 3 year 7 months, there is no progress in the trial. In support of his contentions, he relied the ratio laid down in the authority held by the Apex Court in ***S.L.A.(Crl.) No.4648 of 2024*** in the case of ***Ankur Chaudhary vs. State of Madhya Pradesh***, since the petitioner is in custody for more than three years. Hence, he prayed to grant bail to the petitioner.



Crl.O.P.No. 26400 of 2024

WEB COPY

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that the accused have involved in illegal transportation of 150 kgs. of ganja, which is a commercial quantity and the petitioner is arrayed as A2. He would submit that there is a progress in the trial and out of 7 witnesses, so far two witnesses have been examined and for examination of L.W. 3 to 6, now the case is posted on 19.11.2024 and he belong to Andhra Pradesh. He would submit that at this stage, if he is released on bail, he will tamper the witnesses and hamper the investigation. 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 contraband of 150 kgs. of ganja recovered, which is a commercial quantity and now trial was begun and out of 7 witnesses, two witnesses have been examined and for examination of L.W.1 to 6, the case is posted on 19.11.2024, and furthermore, the

Page 3 of 5



Crl.O.P.No. 26400 of 2024

WEB COPY

petitioner's counsel relied the ratio laid down in the authority held by the Apex Court in ***S.L.A.(Crl.) No.4648 of 2024*** in the case of ***Ankur Chaudhary vs. State of Madhya Pradesh***, but the said proposition is not applicable to the facts of this case, since the trial was commenced and moreover, he belong to Andhra Pradesh and at this stage if he is released on bail, he may abscond and there is possibility of tampering the witnesses and hampering the investigation and also the fact that there is no change of circumstances, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

14.11.2024

rpp



WEB COPY



Crl.O.P.No. 26400 of 2024

T.V.THAMILSELVI, J.

rpp

Crl.O.P.No. 26400 of 2024

14.11.2024