



Crl.O.P.No. 26291 of 2023

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T.V.THAMILSELVI, J.

The petitioner, who was arrested and remanded to judicial custody on 19.07.2021 for the alleged offence under Sections 8(c) r/w 20(b)(ii)(C), 27 A, 28 and 29 of NDPS Act, pending trial in C.C.No.82 of 2022 on the file of I Addl. Special Judge, Special Court for EC/NDPS Act Cases, Chennai in R.R. No. 17 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on a secret information about the illegal transportation of ganja, the respondent police along with his team intercepted the petitioner's vehicle. On search, the petitioner along with other accused found in possession of 327.87 kgs. of ganja in their vehicle and seized the same. Hence, the complaint.

3. The learned counsel for the petitioner submitted that this is the third petition seeking for bail and he is in judicial custody for more than 2 years five months, but there is no progress in the trial. He would submit



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that there is no recovery from this petitioner and he is an innocent person and he is no way connected with the case. He would submit that he has not at all committed any offence as alleged by the respondent police and he was not present at the scene of occurrence. He would submit that he is only a driver in the vehicle and no previous case pending against him. He would submit that the investigation is almost completed and he would abide by any condition that may be imposed by this court and co-accused was granted bail. He would submit that now he engaged the counsel to contest the case. Hence, he prayed to grant bail to the petitioner.

4. The learned Special Public Prosecutor appearing for respondent would submit that from the petitioner's vehicle, the contraband of 327.87 kgs. of Marijuana (ganja) was recovered. He would submit that totally, 3 accused involved in this case and the petitioner is arrayed as A1 in this case and A3 is still absconding. He would submit that now the trial was begun and charges are framed and P.W.1 was examined. He would submit that he has not engaged his counsel till the date of hearing 06.11.2023 and now only he engaged counsel. He would submit that if he is released on bail, he would tamper the witnesses and hamper the investigation. Hence, he



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vehemently opposed to grant bail to the petitioner.

5. On seeing the facts, in a Ashok Leyland lorry, all the three accused travelled, in which the alleged contraband of 327.87 kgs. of Marijuana (ganja) was recovered, thereby the petitioner has actively participated in the offence. Considering the facts and circumstances of the case and the submissions made by both counsel, considering the gravity of offence committed by the petitioner by transporting ganja, the petitioner also travelled in the vehicle, also the fact that investigation is still pending and if he is released on bail, there is possibility of tampering the witnesses and hampering the investigation and 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. However, the learned Special Public Prosecutor submitted that there is no trial judge to conduct the case. Hence, the incharge trial judge is directed to complete the trial and dispose the case without giving unnecessary adjournment as expeditiously as possible.



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