



Crl.O.P.No.28376 of 2024

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T.V.THAMILSELVI, J.

The petitioner, who was arrested and remanded to judicial custody on 10.11.2021 for the alleged offence under Sections 8(c) r/w 20(b)(ii)(c), 28 and 29 of NDPS Act in Spl. C.C.No. 54 of 2022, pending trial on the file of Addl. District and Sessions Judge, Special Court for EC and NDPS Cases, Salem in F. No.48/1/06/2021-NCB/MDS, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 09.07.2021, on a secret information about illegal transportation of ganja from Andhra Pradesh, the respondent police intercepted the petitioner's vehicle and on search, they found the petitioner along with other accused were in possession of 350 kgs. of ganja and seized the same. Hence, the complaint.

3. Learned counsel appearing for the petitioner submitted that this is the fifth petition and the earlier petition was dismissed by this Court in Crl.OP.Nos.10877 of 2022, 25181 of 2022, 6010 of 2023 & 4840 of 2024, dated 19.05.2022, 08.12.2022, 12.10.2023 & 27.03.2024, respectively. He



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WEB COPY further submitted that there is no specific overt act attributed against this petitioner and he was falsely implicated in this case, since because the truck belong to him, wherein the alleged contraband was illegally transferred to Andhra Pradesh. He would submit that he engaged the driver to transport the groundnut, except that he was not known about the alleged contraband and only on that basis, the driver took the vehicle from Tuticorin to Andhra Pradesh, from there, he returned back with contraband as per prosecution. Therefore, he pleaded innocence and he is in custody for more than 3 years and so far, there is no progress in the trial. 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. He would further submit that the investigation is almost completed and that the petitioner has been suffering incarceration for more than three years from 11.11.2021. In spite of the direction given by this Court, the trial Court not completed the trial. Hence he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for



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respondent would submit that totally, there are 4 accused involved in this case and the petitioner is arrayed as A4. He would submit that one of the persons involved in illegal transportation of 350 kgs. of ganja in the truck, which is belong to the petitioner and the other accused arrested, who are not from the personal search, so, the question of personal/body search under Sec.50 does not arise. He would also submit that the petitioner has used mobile Nos. 8668148803, 9751202845 and 9790292383 through out the entire transactions, in which he has contacted A3 Selvam from his mobile numbers for five times and for 41 times during the relevant drug transaction period and the mobile number is in his own name. Furthermore, he called A1 two times during the relevant period of seizure. He would submit that though the petitioner was the owner of the lorry, statement of A1, A2 and A3 clearly indicates that 25 parcels out of seized drug was intended to be delivered to the petitioner himself, which was accepted by the petitioner during his confessional statement recorded under Sec.67 of NDPS Act. He would submit that he is a main person to transport the contraband from Andhra Pradesh. He would also submit that if he is released on bail, he will tamper the witnesses and hamper the investigation and the investigation is



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not yet completed and due to non cooperation among the accused, there is no progress in the trial proceedings. 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 counsels and there is no change in circumstances, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Originally Petition is dismissed.

6. However, the case is pending from the year of 2021 without any progress. The learned trial Judge is directed to complete the trial and dispose of the case as early as possible.

28.11.2024

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T.V.THAMILSELVI, J.



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