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Crl.O.P.No.953 of 2024

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A.D.JAGADISH CHANDIRA, J.

The petitioner (A2) who was arrested and remanded to judicial custody on 11.03.2023 in C.C.No.624 of 2023 pending trial on the file of the learned II Additional Special Judge for EC & NDPS Act Cases, Chennai, in connection with Crime No.6 of 2023 registered for the offences punishable under Sections 8(c) r/w 20(b) (ii) (C) and 29(1) of Narcotic Drugs and Psychotropic Substances Act, 1985, seeks bail.

2. The case of the prosecution is that on 11.03.2023, on receipt of a secret information regarding illegal sale of ganja, the respondent along with his team, had gone to the scene of occurrence i.e., nearby Orgadam Junction, Sriperumbudur to Chengalpattu Road, wherein, they found that the accused were in illegal possession of 22 kilograms of Ganja. The respondent has arrested the accused persons, seized the contraband under the cover of seizure mahazar and obtained confession



CrI.O.P.No.953 of 2024

WEB COPY

statements from them and registered a case in Crime No.6 of 2023. After completion of investigation, final report has been filed and the case has also been taken up for trial in C.C.No.624 of 2023, on the file of the learned II Additional Special Judge, Special Court for EC & NDPS Act Cases, Chennai.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and this is the fourth application for bail filed by the petitioner. He further submitted that this Court, while dismissing the earlier bail application on 25.08.2023 in CrI.O.P.No.19565 of 2023, had directed the trial Court to complete the trial as expeditiously as possible, preferably, within a period of four months from the date of receipt of a copy of that order. Despite the direction of this Court, the trial is not completed and the petitioner is suffering incarceration from 11.03.2023. He further submitted that there are also discrepancies with regard to taking of samples, which would go to the root of the case. He also submitted that no previous case is pending against the petitioner and he is ready to abide by any stringent conditions



Crl.O.P.No.953 of 2024

WEB COPY

that may be imposed by this Court. Hence, he sought for bail for the petitioner.

4. Learned Government Advocate (Crl.Side) for the respondent submitted that it is the case, where the petitioner along with other accused was found to be in illegal possession of 22 grams of ganja, which is a commercial quantity. He further submitted that this Court, taking into consideration the fact that the recovered contraband was a commercial quantity and also finding that the petitioner has not satisfied the twin conditions as required under Section 37 of NDPS Act for grant of bail, had dismissed the earlier applications for bail.

5. He further submitted that this Court, while dismissing the earlier bail application on 25.08.2023, had directed the learned trial Judge to complete the trial as expeditiously as possible preferably, within a period of four months from the date of receipt of a copy of that order and the respondent are also ready to get along with the trial, however, the petitioner and another accused have not engaged the counsel and causing



Crl.O.P.No.953 of 2024

WEB COPY

delay in the trial. He also submitted that the prosecution is not responsible for the delay and the petitioner is the person who is responsible for the delay in the trial. Further, there are six witnesses in this case and therefore, if a specified time frame is fixed by this Court, the respondent will be able to examine all the witnesses. Hence, he vehemently opposed for grant of bail to the petitioner.

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

7 It is the case, where, the petitioner along with other accused was found to be in illegal possession of 22 kilograms of Ganja, which is a commercial quantity. Thereby, this Court, taking into consideration the huge quantity of contraband of involved in this case, had dismissed the earlier applications with a direction to the trial Judge to complete the trial as expeditiously as possible, preferably, within a period of four months from the date of receipt of a copy of this order. However, it is stated by



Crl.O.P.No.953 of 2024

WEB COPY

the prosecution that the accused are causing delay in the trial by not engaging a counsel to defence their case and further stated that the prosecution is not responsible for the delay in the trial.

8. In view of the above, finding that there is no delay on the part of the prosecution and only the accused are responsible for the delay in trial and further finding that the petitioner also has not satisfied the conditions required under Section 37 of NDPS Act, this Court is not inclined to grant bail to the petitioner.

9. Accordingly, this Criminal Original Petition stands dismissed. However, the learned trial Judge is directed to strictly comply with the condition imposed by this Court on 25.08.2023 and the trial in C.C.No.624 of 2023 shall be completed on or before 30.04.2024.

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