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Crl.O.P.No. 28437 of 2023

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T.V.THAMILSELVI, J.

The petitioner, who was arrested and remanded to judicial custody on 31.03.2022 for the alleged offence under Sections 8(c) r/w 20(b)(ii) C & 29(1) of NDPS Act and later it was altered into Sec.8(c), 20(b)(ii)(C), 29(1), 25 of NDPS Act in C.C.No. 171 of 2022 pending on the file of Principal Special Judge under EC and NDPS Act at Chennai in Crime No.178 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 30.03.2022, on a secret information, the respondent police intercepted the petitioner's vehicle and on search, they found that the petitioner along with other accused were in possession of 21.300 kgs. of ganja and seized the same. Hence, the complaint.

3. The learned counsel for the petitioner submitted that this is the



Crl.O.P.No. 28437 of 2023

fifth petition seeking for bail and he is in judicial custody from 30.03.2022 for more than 500 days. 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. He would further submit that the investigation is almost completed. Hence, he prayed to grant bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that totally, there are 5 accused involved in this case and the petitioner is arrayed as A2. He would submit that the petitioner is an history sheeter and he is having 12 previous cases. He would submit that all the witnesses were examined and almost the trial is completed and now the case is posted for arguments. So 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.



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Crl.O.P.No. 28437 of 2023

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 according to the prosecution, he is a main person indulging in possession of commercial quantity of contraband and all the witnesses examined and almost the trial is completed and now the case is posted for arguments and also considering the fact that at the stage of arguments, if he is released on bail, there is possibility of tampering the witnesses and hampering the investigation, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed. However, since the accused is in judicial custody for more than 500 days, the trial court is directed to complete the trial and dispose the case as early as possible not less than the period of three months without giving unnecessary adjournment from the date of receipt of copy of this order.

02.01.2024

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