



Crl.OP.No.17198 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioner, who was arrested and remanded to judicial custody on 05.08.2018 for the offences punishable under Sections 8(c), 20(b)(ii)(c), 28 & 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 in CC.No.123 of 2018 on the file of the learned I Addiction Special Judge for NDPS Cases, Chennai, in NCB F.No.48/1/6/2018/NCB/MDS on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with the other accused had illegally transported Ganja of 4250820 Kgs in his Ashok Leyland Lorry bearing Registration No.TN67F4579 from Andrapradesh to Tamil Nadu. Hence the complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner is the owner cum driver of his lorry and he is carrying transport business throughout India with valid permit. Without his knowledge the alleged kanja had been lodged by the other accused and he has not committed any offence as alleged by the prosecution. He further submitted that the petitioner was arrested and remanded to judicial custody on 05.08.2018 and



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incarcerated for the past four years. The trial Court has examined only two witnesses out of eight witnesses and therefore, he prays to grant bail to the petitioner.

4. The learned Special Public Prosecutor submitted that this is the fifth bail petition filed by the petitioner and this Court already dismissed the earlier bail petitions on four occasions. In his voluntary statement the petitioner himself admitted that some persons approached him and offered Rs.7,000/- to deliver the 425.820 Kgs of Ganja to one Pandey at Trichy. He was found in possession of huge quantity 425.820 Kg of Ganja, which is commercial in quantity. If the petitioner released on bail, he would tamper the witnesses and hamper the evidence. Hence, he vehemently opposed to grant bail to the petitioner.

5. It is seen that the petitioner was found in possession of alleged contraband and there are materials to attract the offence as against the petitioner herein. Therefore, the petitioner failed to satisfy the twin conditions under Section 37 of the NDPS Act. Further this Court already dismissed the earlier bail petitions on four occasions and there is no change in circumstances to consider the present bail petition. Taking consideration of the



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above facts and circumstances of the case, this Court is not inclined to grant bail to the petitioner.

6. Accordingly, this Criminal Original Petitions is dismissed.

22.07.2022

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