



CrI.O.P.No. 17669 of 2022

WEB COPY

CrI.O.P.No.17669 of 2022

T.V.THAMILSELVI, J.

The petitioner, who was arrested and remanded to judicial custody on 24.06.2020 for the alleged offence under Sections 8(c) r/w 22 (c) 23, 28 and 29 of Narcotic Drugs and Psychotropic Substances Act in F.No.O.S.No.11/2020-PAD-INT-AIR (R.R. 21/2020) on the file of the respondent police, seeks bail.

2. The case of the prosecution is that when the respondent police was on search, they have seized a parcel containing tablets suspected to be 'MDMA', a narcotic substance defined under NDPS Act, which was addressed to the petitioners' address at Erode. Hence, the complaint.

3. The learned counsel appearing for petitioner would submit that this is the fourth petition seeking for bail. He would submit that after examination of witness on the side of prosecution, they have filed another application to examine additional 10 witness in order to fill up the lacuna and also to drag on the proceedings, thereby the petitioner's right of protection was affected. Hence, he prayed to grant bail to the petitioner.



CrI.O.P.No. 17669 of 2022

WEB COPY

4. The learned Special Government Pleader appearing for respondent strongly raised objection stating that there is no change of circumstances and fourth time, this petition has been filed. Furthermore, he is a sole accused and as per the confession given by his mother, the petitioner received contraband in their residential address at Erode. He would submit that if he is released on bail, he would tamper the witness and hamper the investigation.

5. On seeing the fact that already the witnesses were examined and some of the witnesses are not cross-examined on the side of petitioner, which shows that he is not interested to cooperate with the proceedings, on the other hand, he want to get a bail. Furthermore, if he is released on bail, he would will hamper the investigation and tamper the evidence. Thus, the fact reveals that the charge sheet was filed and the trial was begin and witnesses also examined and some of the witnesses also cross-examined by the petitioner, and he is the sole accused and the trial is likely to be completed and there is possibility of tampering the evidence and hampering



CrI.O.P.No. 17669 of 2022

WEB COPY

the proceedings. However, by relying the authorities, the learned counsel for petitioner argues that as per the ratio laid down by Hon'ble Apex Court in the case of *Sujit Tiwari vs. State of Gujarat and another* reported in *2020 (13) SCC 447* and in the case of *State of West Bengal vs. Rakesh Singh* in *CrI . Appeal No.923 of 2022 dated 11.07.2022*, the petitioner is entitled for bail. But on seeing the facts of the case, he is the sole accused and he is having having habit of receiving contrabands. Furthermore, the facts relied on the above authorities, which totally differ and it is not applicable to the facts of the present case. Hence, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition stands dismissed.

09.11.2022

rpp



WEB COPY



Crl.O.P.No. 17669 of 2022

T.V.THAMILSELVI, J.

rpp

Crl.O.P.No. 17669 of 2022

09.11.2022