



Crl.O.P.No. 28429 of 2022

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T.V.THAMILSELVI, J.

The petitioner, who was arrested and remanded to judicial custody on 30.01.2022 for the alleged offence under Sections 8 (c) r/w 20 (b) (ii)(c) and 29(1) of NDPS Act in Crime No.80 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on a secret information about alleged possession of ganja, the raiding party came and inspected the petitioner and from him, he was found in possession of 33 kgs. of ganja without any valid license or permit and the same was seized by the respondent police on 30.01.2022 at NRT bridge. Hence, the complaint.

3. The learned counsel for the petitioner submitted that after filing of charge sheet, it is found that no evidence has been shown so as to comply the condition of Sec.42 of the Act. He would also submit that in order to curtail further criminal activities, the present case under NDPS Act has been foisted against him with the allegation that he was in possession of 33



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kgs of ganja, which is a commercial quantity. He would submit that he is no way connected with the occurrence and he has not at all committed any offence as alleged by the respondent police and there is no property recovered from this petitioner. He would submit that the investigation is almost completed and that the petitioner has been suffering incarceration from 30.01.2022. 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 A3. He would submit that it is a case of commercial quantity and the respondent police recovered 33 kgs. of ganja from him and on seeing the police, he ran away from the scene of occurrence. He would submit that A1 was earlier granted bail on the ground of mandatory bail, which is not applicable to the petitioner. He would submit that now the investigation is completed, final report was filed and trial is yet to be commenced. He would further submit that C.C. number was assigned and it is pending before the I Addl. Special Court for Exclusive Trial of cases under NDPS Act. He would submit that if he is released on bail, he would tamper the witnesses and hamper the



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investigation and the investigation is at the preliminary stage. 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 counsel and also considering gravity of offence committed by the petitioner, from him 33 kgs. of ganja was recovered, however, the learned counsel for petitioner submitted that no recovery was made from him and only to curtail his activity, NDPS Act is foisted against him. However, a detailed investigation is required in this case, and there is possibility of tampering the witnesses and hampering the investigation. Therefore, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

20.12.2022

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