



Crl.O.P.No. 28611 of 2022

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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) and 29(1) of NDPS Act in Crime No.178 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on a secret information, the respondent proceeded to the spot along with a team and waited there, one person came in a bike and four persons came by walk and all of them have took a white gunny bag from bush, at that time, the informant identified those persons as ganja traffickers and while the respondent trying to caught hold of them, they flee from the place of occurrence, and from the place of occurrence, the respondent police recovered 21 kgs. and 300 grams of ganja. Hence, the complaint.

3. The learned counsel for the petitioner submitted that on the confession of co-accused A1, this petitioner was implicated as accused. He would also submit that in order to curtail further criminal activities, the



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present case under NDPS Act has been foisted against him with the allegation that he was in possession of 21 kgs. and 300 grams of ganja, which is a commercial quantity. He would submit that he was staying at Bangalore and he was arrested at Bangalore. 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 31.03.2022. 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 A2. He would submit that it is a case of commercial quantity and the respondent police recovered 1.5 grams of ganja and on seeing the police, he ran away from the scene of occurrence. He would submit that there are 12 previous cases pending against the petitioner including two murder cases and three cases under Sec.307 I.P.C. and he is a notorious person. He would submit that if he is released on bail, he would tamper the witnesses and hamper the investigation and the



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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, nearly 12 previous cases pending against him, out of which, 2 murder cases and three Sec.307 cases pending against him, 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. Admittedly, no recovery was made from him, but number of cases pending against him and a detailed investigation is required in this case, and 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.

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