



Crl.O.P.No.1249 of 2023

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T.V.THAMILSELVI, J.

The petitioner, who was arrested and remanded to judicial custody on 10.10.2022 for the alleged offences punishable under Sections 8(c) r/w 20(b)(ii)(B), 22(b), 22(c), 27(a) and 25 of NDPS Act, 1985 in Crime No.657 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on a secret information, on 20.08.2022 at about 06.45 a.m. when the respondent police was on regular patrol, on a suspicious manner intercepted the petitioner's vehicle, he tried to escape and they caught hold of him. On search, the petitioner along with other accused were found in possession of 1500 grams of ganja, Meth @ Methamphetamine crystal tablet 64 nos. and stamp paper LSD @ Lysergic acid diethylamide 302 nos. and a sum of Rs.90,000/- in their car illegally without any valid license and they seized the same. Hence, the case.

3.The learned counsel appearing for the petitioner submits that this is second petition seeking for bail before this court. He would submit that the petitioner has not committed any such offence as alleged by the



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prosecution and he has been falsely implicated in this case. He would submit that all the eye-witnesses are only police officials and no independent witness and if the police really seen the petitioner at the scene of offence, the petitioner's name would have been mentioned in F.I.R. He would submit that on the date of alleged occurrence, he was not in Coimbatore at all. He would further submit that the petitioner has been suffering incarceration from 10.10.2022. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) submits that this is second petition seeking for bail and the contraband involved in this case is a commercial quantity. He would submit that totally, there are 2 accused involved in this case and both the petitioner along with other accused traveled in a car and from the scene of occurrence, this petitioner escaped and subsequently, with great difficulty, he was secured. He would also submit that he is having one previous case of NDPS Act pending against him. He would submit that A1 is still in judicial custody. He would also submit that if he is released on bail, he would hamper the investigation and tamper the witnesses and the investigation is almost completed. However, he would vehemently opposed to grant bail to the



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petitioner.

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5. Considering the facts and circumstances of the case and also considering the fact that the contraband seized from the accused is commercial quantity and also the fact that the petitioner escaped from the scene of occurrence and thereafter, he was secured and A1 is still in judicial custody and he is going to be detained under Goondas Act and the fact that there is no change of circumstances and also considering the gravity of offence committed by the petitioner and the fact that there is possibility of tampering the evidence and hampering investigation, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

23.01.2023

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