



Crl.O.P.No.2974 of 2023

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T.V.THAMILSELVI, J.

The petitioner, who was arrested and remanded to judicial custody on 10.02.2022 for the offences punishable under Sections 8(c) r/w 22(c) and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 in C.C.No.226 of 2022 in connection with Crime No.06 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on receiving a secret information, the respondent Police along with his team went to the scene of occurrence and they found the petitioner along with other accused was found in illegal transportation of 11 kgs of methamphetamine and attempted to export to Srilanka without any valid license. Hence the case.

3.Learned counsel for the petitioner submitted that this is the second petition for bail and the earlier petition was dismissed by this Court on the ground that the petitioner is a nationality of Srilanka. He further submitted that the petitioner is not belongs to Srilanka and he is a



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citizen of India, to that effect he produced Aadhar card and driving license of the petitioner. He further submitted that the petitioner is only an OLA driver and there is no communication between the petitioner and A1. He further submitted that though the petitioner is in judicial custody for more than a year, there is no progress in trial. He also submitted that the co-accused in this case has already been enlarged on bail and hence, he prays to grant bail to the petitioner.

4.Learned Government Advocate (CrI.Side) submitted that the petitioner along with other accused conspired together and indulged in transportation of 11 kgs of methamphetamine from India to Srilanka without any valid license. He further submitted that the seized contraband is commercial quantity and the petitioner is the owner of the vehicle. He further submitted that the petitioner has not satisfied the conditions under Section 37 of NDPS Act and if the petitioner is granted bail at this stage, there is a possibility of tampering the evidence. He also submitted that the petitioner fails to engage a counsel on his own. Hence, he vehemently opposed to grant bail to the petitioner.



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5.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the materials available on record.

6.Considering the facts and circumstances of the case and the submissions made by both counsel and the contraband involved in this case is commercial quantity, this Court is not inclined to grant bail to the petitioner.

7.Accordingly, this Criminal Original Petition is dismissed. However, the learned trial Judge is directed to give one more opportunity to the petitioner to engage an Advocate on his own, if he fails to engage an Advocate, on the next date of hearing, the learned trial Judge may appoint an Advocate through legal aid and complete the trial as expeditiously as possible.

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