



Crl.O.P.No.3602 of 2023

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T.V.THAMILSELVI,J.

The petitioner, who was arrested and remanded to judicial custody on 21.01.2022 for the offences punishable under Sections 8(c), 20(b)(ii)(C) & 29(1) of Narcotic Drugs and Psychotropic Act, 1985, in Crime No.3 of 2022 on file of the respondent police, seeks bail.

2. The case of the prosecution is that on 21.01.2022, on receipt of the secret information, the respondent and his team went had conducted a vehicle check up, during which, they found that the accused were in illegal possession of 22 kilograms of Ganja, which is a commercial quantity. The respondent arrested the accused and seized the contraband under the cover of seizure mahazar. Hence the case.

3. Learned counsel for the petitioner submitted that this is the third bail application of the petitioner. He further submitted that the earlier bail applications were dismissed by this Court with a direction to deliver the judgment within three months. He further submitted that the petitioner is in custody from 21.01.2022 and he is ready to abide by any stringent conditions



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that may be imposed by this Court. Therefore, he prays for grant of bail to the petitioner.

4. The respondent Police has filed a detailed counter.

5. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that this is the case where the petitioner along with other accused involved in smuggling of 22 Kilograms of Ganja from other states to Tamil Nadu for selling the same. The respondent Police has completed the investigation and filed the final report, which was also taken up on the file of the learned Principal Special Judge EC & NDPS Court, Chennai in C.C.No.112 of 2022. While being so, this Court granted bail to the third accused and thereafter, he did not appear before the trial Court and he is still absconding. Therefore, there is no change of circumstances in this case and hence, he vehemently opposed to grant bail to the petitioner stating that the petitioner herein is also belongs to the State of Odisha and if bail is granted to him, there is every possibility of him to abscond and derail the progress of the trial.



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

7. Taking into consideration the facts and circumstances of the case, the submissions made by the learned Government Advocate (Crl.Side) and also considering the fact that the third accused is still absconding, this Court is not inclined to grant bail to the petitioner.

8. Accordingly, this Criminal Original Petition stands dismissed.

16.02.2023

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