



Crl.O.P.No.4160 of 2023

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WEB C **T.V.THAMILSELVI, J.**

The petitioner, who was arrested and remanded to judicial custody on 05.05.2022 for the alleged offence under Sections 8(c) r/w 20 (b)(ii)(c) and 29(1) of Narcotic Drugs and Psychotropic Substances Act, in C.C.No.148 of 2022 pending on the file of the learned Special Court for EC & NDPS Act, Coimbatore, seeks bail.

2. This is the second bail application. The case of the prosecution is that on a secret information about selling of ganja in the petitioner's residence, the raiding party went there and inspected her house, wherein she apprehended and she handed over white colour gunny bag, which contains 50 kgs of ganja without any valid licence or permit and the same was seized by the respondent police on 05.05.2022. Hence, the complaint.

3. The learned counsel appearing for the petitioner submitted that she was living in a rented house and she came to know that her house owner viz., Rajeshkannan was involved in the above said offence and a F.I.R. was also



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pending at Karumathampatti Police Station and he is shown as absconding accused. He would submit that the petitioner was not present at her house when the prosecution raided her house and she has no knowledge about the alleged ganja kept in her house. He would submit that she is having aged mother and two female children aged 7 and 5 respectively. He would submit that she is no way connected with the occurrence and she 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 petitioner has been suffering incarceration from 05.05.2022. Hence, he prayed to grant bail to the petitioner.

4. Per contra, the learned Government Advocate (Crl.Side) appearing for the respondent submitted that totally, there are two accused involved in this case and the petitioner is arrayed as A1. He would submit that it is a case of commercial quantity and the respondent police recovered 50 kgs of ganja from her and on seeing the police, she tried to run away from the scene of occurrence. He would submit that now a petition for mandatory bail has been filed and charge sheet has also been filed. He would submit that there is no previous case pending against the petitioner, the investigation is completed, and trial is yet to be commenced. He would further submit that C.C.No.148 of 2022



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was assigned and now, if he is released on bail, he would tamper the witnesses and hamper the investigation and the investigation is at the preliminary stage.

Hence, he vehemently opposed to grant bail to the petitioner.

5. On seeing the facts, a commercial quantity of 50 kgs of ganja was recovered from her and now the final report was filed and subsequently C.C.No.148 of 2022 is also assigned and the trial is in progress and no previous case pending against the petitioner. Considering the same and also considering gravity of offence committed by the petitioner having possession of 50 kgs of ganja illegally, however, the learned counsel for the petitioner submitted that no recovery was made from her, 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. However, the trial Court is directed to complete the trial and dispose the case within a period of three months from the date of receipt of copy of this order.

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24.02.2023



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