



Crl.O.P.No. 6706 of 2023

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T.V.THAMILSELVI, J.

The petitioner, who was arrested and remanded to judicial custody on 28.07.2021 for the alleged offence under Sections 8(c) r/w 20(b), (ii)(B), 22(c), 25 and 29(1) of NDPS Act in Crime No.2362 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 28.07.2021, at about 09.00 a.m., on a secret information, when the respondent intercepted and conducted search on the vehicle of A1, A2 and A5, nearby burial ground of Moolakothalam, they found 30 boxes of 9000 tablet of Nitroviat, 10 mg from A1 and at the same time, they conducted search on the other accused, they found they were in possession of 14 pads each pad 100 tablet (1400 tablets) of tydol tablets and also found 2 kg. of ganja. Hence, the complaint.

3. The learned counsel for the petitioner would submit that on the confession statement of A1, who is a drug dealer and selling drugs in Chennai, the petitioner was implicated in this case and his name is not



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mentioned in the F.I.R. He would submit that as the petitioner met with an accident, he unable to drive the two wheeler and there is no specific overtact attributed against the petitioner. He would also submit that the property has been recovered from this petitioner was marked as P4 and the chemical samples was not taken immediately after his arrest. He would submit that he has not at all committed any offence as alleged by the respondent police and he is no way connected with the occurrence. He would further submit that the investigation is almost completed and that the petitioner has been suffering incarceration for more than a year from 28.07.2021 and this is the fifth bail petition before this court. Hence, he prays 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 A3. He would submit that the property recovery from this petitioner is 1500 tablets, which is a commercial quantity. He would submit that co-accused A2 and A5 were arrested and released on bail. He would submit that now the final report was filed and the petitioner is not cooperating for conducting the trial. He would also



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submit that if he is released on bail, he will tamper the witnesses and hamper the investigation and the investigation is not yet completed. 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 by recovering the contraband, which is a commercial quantity and the final report was also filed and also considering the fact that if he is released on bail, there is possibility of tampering the witnesses and hampering the investigation, this Court is not inclined to grant bail to the petitioner.

6. Accordingly, this Criminal Original Petition is dismissed. However, the petitioner is directed to cooperate for conducting trial proceedings and as the accused are in custody for more than a year, the trial court is directed to complete the trial and dispose the case within a period of four months from the date of receipt of copy of this order.

28.03.2023

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