



Crl.O.P.No.7679 of 2023

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T.V.THAMILSELVI, J.

The petitioner, who was arrested and remanded to judicial custody on 02.05.2022 for the alleged offence under Sections 8(c) r/w 21(c), 27(A), 28 and 29 of NDPS Act in NCB F.No.48/1/02/2022/ NCB/MDU on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 30.04.2022, at about 15.30 hrs., on a secret information about the transportation of heroin in a swift car and it would be crossing Thoppur toll gate by around 12.00 a.m. on 01.05.2022, the respondent and others mounted a surveillance and intercepted the vehicle and conducted a search. On a search, the petitioner along with other accused said to have transported 3 kgs. of heroin concealed in a rear door of car. Hence, the complaint.

3. The learned counsel for the petitioner submitted that he is an innocent person and he has not at all committed any offence as alleged by



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the respondent police and he is no way connected with the occurrence. He would submit that he was not in possession of any contraband. Furthermore, he is working as a welder and his mother is also a disabled person and he is a sole bread winner of his family. He would further submit that the petitioner has been suffering incarceration for more than six months from 02.05.2022. Hence, he prays for grant of bail to the petitioner.

4. The learned Special Public Prosecutor (NCB) cases appearing for respondent would submit that totally, there are 4 accused involved in this case and the petitioner is arrayed as A4. He would submit that he has only arranged boats for transportation of contraband to smuggle banned items illegally to Srilanka through his boat, for which he has received commission. He would submit that he transported the contraband knowingly well and now the investigation is not yet completed. He would submit that if he is released on bail, he would tamper the witnesses and hamper the investigation. Hence, he vehemently opposed to grant bail to the petitioner.



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5. On seeing the facts, it reveals that the petitioner has arranged boat for transportation of contraband to smuggle banned items illegally to Srilanka and he knowinfully well about the transportation of the contraband, thereby 3 kgs. of ganja recovered at the time of occurrence, which is a commercial quantity. Considering the above facts and circumstances of the case and the submissions made by both counsel and also considering gravity of offence committed by the petitioner and the contraband seized from the accused persons, which is a commercial quantity and the investigation is not yet completed and also considering the fact that if he is released on bail, there is possibility of tampering the witnesses and hampering the investigation, and there is no change in circumstances, this Court is not inclined to grant bail to the petitioner.

6. Accordingly, this Criminal Original Petition is dismissed.

19.04.2023

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