



Crl.O.P.No. 7219 of 2023

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T.V.THAMILSELVI, J.

The petitioner, who was arrested and remanded to judicial custody on 27.09.2021 for the alleged offence under Sections 8(c), r/w 20(b)(ii)(C) and 29(i) of NDPS Act in Crime No.1139 of 2021 on the file of the respondent police, pending trial in C.C.No.158 of 2022 on the file of I Addl. Special NDPS Court at Chennai, seeks bail.

2. The case of the prosecution is that on 27.09.2021, on receipt of a secret information, the respondent police went to Maduravoyal bypass, Odamanagar bridge, when Maruthi car taken a u-turn bearing Regn.No.AP-35-G-4361, it was intercepted and on search, they found the accused were in illegal possession of 186 grams of ganja from the car and the same was seized by them. Hence, the complaint.

3. The learned counsel for the petitioner submitted that this is the second petition seeking for bail. He would submit that immediately after the alleged occurrence, the contraband was not produced before the



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Magistrate and nearly after one week, it was produced. If really the contraband seized by the prosecution ought to have produced immediately before the magistrate, which shows that they have violated the procedures contemplated under the Act. He would also submit that even though P.W.1 was examined, as per his evidence, he only started the vehicle to park in the bypass and they gave information, which is totally contrary to the allegation in the F.I.R. and the petitioner name was also not included at the time of filing F.I.R. and subsequently his name was included. So, the petitioner is entitled to get bail. 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 petitioner has been suffering incarceration for more than two years from 28.09.2021. Hence, he prayed to grant bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that the petitioner along with other accused found in possession of 186 grams of ganja, which is a commercial quantity and from the car, A1 and A2 were present. He would submit that now the trial



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was began and already P.W.1 and 2 were examined and L.W.1 is yet to be examined. 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.

5. Considering the facts and circumstances and on considering the contentions of the both sides, and also the fact that 186 grams of ganja was recovered from the accused, which is a commercial quantity and now the trial is in progress and P.W.1 and 2 were examined and L.W.1 is yet to be examined and if he is released on bail, he would hamper the investigation and tamper the witnesses, and the fact that there is no change of circumstances, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

05.04.2023

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