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Crl.O.P.No.8946 of 2023

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T.V.THAMILSELVI, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 8(c), 20(b)(ii)(C), 25, 27(A) and 29(1) of NDPS Act in Crime No.56 of 2022 on the file of respondent police, pending trial in in Spl. C.C.No.115 of 2022, on the file of learned Addl. District and Sessions Judge for EC & NDPS Act cases, Salem, seeks anticipatory bail.

2. The case of the prosecution is that on 26.03.2022, when the respondent police was on routine vehicle check-up at Mudhalaipatti over bridge on Karur-Salem by-pass road around 01.00 p.m., they said to have intercepted a car and interrogated with the occupants in the car and on search, they found the petitioner along with other accused were in illegal transportation of 300 kg. of ganja and the same was seized by them. Hence, the present complaint has been lodged against the petitioner.



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3. The learned counsel for the petitioner would submit that he is no way connected with the offence as alleged in the complaint and he is an innocent person and he has been falsely implicated in this case. He would also submit that there is no specific overtact attributed against the petitioner and this is the fourth petition praying for anticipatory bail and he is ready to comply with any condition imposed by this court. He would submit that the case was taken up on the file of learned Addl. District and Sessions Judge for EC & NDPS Act cases, Salem in C.C.No.115 of 2022 and the same is pending. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that the petitioner along with other accused were found in illegal transportation of 300 kgs. of ganja, which is a commercial quantity. He would submit that the final report was filed and the case was taken up on the file of learned Addl. District and Sessions Judge for EC & NDPS Act cases, Salem in C.C.No.115 of 2022. He would submit that there is no previous case pending against him. He



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would further submit that if the anticipatory bail is granted, he may tamper the evidence and hamper the investigation. He would submit that now the investigation is almost completed. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the above fact and circumstances of the case and also taking note of the quantity of contraband, which is a commercial quantity and on seeing the conduct of petitioner, he might have tamper the witness and hamper the investigation and also the fact that there is no change of circumstances, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

28.04.2023

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