



Crl.O.P.No. 9420 of 2023

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T.V.THAMILSELVI, J.

The petitioner, who was arrested and remanded to judicial custody on 06.07.2022 for the alleged offence under Sections 8(c), r/w Sec.22(c) of NDPS Act in Crime No.448 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 06.07.2022, on a secret information, the respondent police went to MPT ground, DLB higher Secondary School, at about 07.15 a.m., the petitioner along with other accused standing there and on seeing the police, they tried to escape from the scene of occurrence, thereby the respondent police caught hold of them and on search, they found that they were in possession of 12 grams and 43 milligram MDMA ECSTACY tablets illegally and seized the same. Hence, the complaint.

3. The learned counsel for the petitioner submitted that this is the second petition seeking for bail. He would submit that he has not at all



Crl.O.P.No. 9420 of 2023

WEB COPY

committed any offence as alleged by the respondent police and he is no way connected with the occurrence and the respondent police foisted the case only for statistical purpose. He would further submit that the petitioner has been suffering incarceration for more than ten months from 06.07.2022. 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 12 grams and 43 milligrams of MDMA ECSTACY tablets, which is a commercial quantity and it was recovered only from this petitioner. He would submit that there are 5 cases pending against him and charge sheet was filed and now the trial court commenced the trial in C.C.No.450 of 2022, which would be completed as early as possible. He would submit that if he is released on bail, he would tamper the witnesses and hamper the investigation and this is the second petition seeking for bail. Hence, he vehemently opposed to grant bail to the petitioner.



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CrI.O.P.No. 9420 of 2023

5. Considering the facts and circumstances and on considering the submissions of both sides, 12 grams and 43 milligrams of MDMA ECSTACY tablets, recovered at the time of occurrence, which is a commercial quantity and also considering gravity of offence committed by the petitioner and the investigation is completed and the trial court already commenced the trial in C.C.No. 450 of 2022 and also considering the fact that if he is released on bail, there is possibility of tampering the witnesses and hampering the investigation 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. However, since the petitioner is in custody from 06.07.2022, the trial judge is directed to take the case on file, complete the trial and dispose the case within a period of six months from the date of receipt of copy of this order.

28.04.2023

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Crl.O.P.No. 9420 of 2023

T.V.THAMILSELVI, J.

rpp

Crl.O.P.No. 9420 of 2023

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