



Crl.O.P.No. 9173 of 2023

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T.V.THAMILSELVI, J.

The petitioner, who was arrested and remanded to judicial custody on 06.08.2022 for the alleged offence under Sections 8(c), 20(b)(ii)(A), 22(b), 22(C), 25 and 29(i) of NDPS Act in Crime No.320 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 06.08.2022, on the basis of a special report obtained by the respondent, they went and searched near wine shop at Madurai Meenachipuram, Urapakkam at 08.05 a.m., at that time, the petitioner along with other accused trying to escape from that area, thereby the respondent police caught hold of them and on search, they found that they were in possession of 51 nos. of MDMA tablets (19 grams) and 300 grams of ganja and seized the same. Hence, the complaint.

3. The learned counsel for the petitioner submitted that this is the fifth petition seeking for bail. He would submit that he has not at all committed any offence as alleged by the respondent police and he is no way



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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 two years from 06.08.2022. 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 51 MDMA Tablets, which contains 19 grams and 300 grams of ganja, which is a commercial quantity and it was recovered only from this petitioner. He would submit that there are 10 cases including one murder case pending against him and out of which, five cases similar in nature pending against him. He would submit that totally, there are four accused involved in this case and other co-accused were enlarged on bail on the ground that they were not in possession of contraband and from this petitioner, 13 grams of contraband was recovered. He would submit that now the investigation is completed and the charge sheet is yet to be filed. He would submit that if he is released on bail, he would tamper the witnesses and hamper the investigation and this is the fifth petition seeking for bail. Hence, he vehemently opposed to grant bail to the petitioner.



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5. Considering the facts and circumstances and on considering the submissions of both sides, 51 nos. of MDMA tablets, which contains 19 grams and 300 grams grams of ganja 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 charge sheet is yet to be filed 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 06.08.2022, the trial judge is directed to take the case on file, complete the trial and dispose the case within a period of four months from the date of receipt of copy of this order.

28.04.2023

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