



Crl.O.P.No.14255 of 2023

Crl.O.P.No.14255 of 2023

WEB COPY

T.V.THAMILSELVI, J.

The petitioner, who was arrested and remanded to judicial custody on 18.12.2019 for the alleged offence under Sections 8 (c) r/w 20 (b) (ii)(c), 25, 27A, 28, 29 and 31 of NDPS Act in NCB F.No.48/1/17/2019-NCB-MDS, on the file of the respondent police, pending trial in C.C. No. 74 of 2020 on the file of II Addl. Special Court for Exclusive Trial for cases under NDPS Act Cases, Chennai seeks bail.

2. The case of the prosecution is that on a secret information that a person named one Easwaran will come to take a force trax load vehicle parked at No.22, Arignar Anna Nagar, Puzhal, Chennai containing 100 packets of ganja and upon such information, the respondent police went to the location and on arrival of petitioner at the said location, he was found in possession of 100 packets of ganja and seized the same. Hence, the complaint.



Crl.O.P.No.14255 of 2023

WEB COPY

3. The learned counsel for the petitioner submitted that this is the third petition seeking for bail and he is in judicial custody for more than 3 years 6 months. He would submit that he is an innocent person and he is no way connected with the case. He would submit that he has not at all committed any offence as alleged by the respondent police and there is no property recovered from this petitioner. He would submit that the investigation is almost completed and he would abide by any condition that may be imposed by this court. Hence, he prayed to grant bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that the seized contraband of 100 packets of ganja was supplied by one Chandran and transported through the force trax load vehicle driven by one Anbu and parked near the house of Muthulakshmi on 17.12.2019 at 07.00 a.m. Thereafter, Anbu gave key of the said vehicle to Muthulakshmi and left the place. He is known to the petitioner as they both are from the same village, thereby he called Muthulakshmi on her mobile



Crl.O.P.No.14255 of 2023

and informed her to receive the key of one load vehicle, which will be parked outside her house in Chennai, which will be collected by him on the same day. That fact was confirmed by Muthulakshmi in her statement. So, the call details also revealed that the petitioner made a call on the date of occurrence, which would proves the conspiracy entered by the petitioner. He would submit that now the trial is yet to be commenced and the concerned judge is also appointed. 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 of the case and the submissions made by both counsel and also considering gravity of offence committed by the petitioner, 100 packets of ganja recovered from him, which is a commercial quantity, however, the learned counsel for petitioner submitted that no recovery was made from him and only to curtail his activity, NDPS Act is foisted against him, in which a detailed investigation is required in this case, now the trial is yet to be commenced and the call details of the petitioner would proves the conspiracy entered by the



CrI.O.P.No.14255 of 2023

WEB COPY

petitioner and if he is released on bail, there is possibility of tampering the witnesses and hampering the investigation and also there is no change of circumstances, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

20.07.2023

rpp



WEB COPY



Crl.O.P.No.14255 of 2023

T.V.THAMILSELVI, J.

rpp

Crl.O.P.No.14255 of 2023

20.07.2023