



Crl.O.P.No.14782 of 2023

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T.V.THAMILSELVI, J.

The petitioner, who was arrested and remanded to judicial custody on 11.03.2022 for the alleged offence under Sections 8 (c) r/w 20 (b) (ii)(C), 22(b), 25 and 29(1) of NDPS Act in Crime No.46 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on a secret information about the illegal transportation of ganja via Sathiyavedu junction at Kavarapettai, the respondent police along with his team went to the scene of occurrence and intercepted the petitioner's vehicle. On search, the petitioner along with other accused found in possession of 230 kg. of ganja, which was seized by them. Hence, the complaint.

3. The learned counsel for the petitioner submitted that this is the second petition seeking for bail and he is in judicial custody for more than 1 year 4 months. He would submit that he is only acting driver by the 1st accused and he has no knowledge about the transportation of contraband.



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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 contraband of 230 kgs. of ganja, which is a commercial quantity, was recovered from the petitioner's car, which was driven by this petitioner. He would submit that he is arrayed as A2 in this case and now the case is posted for examination of P.W.2. 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, 230 kgs. of ganja recovered from him, which is a commercial quantity, however, the learned counsel for petitioner submitted



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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 investigation is almost completed and at this stage, if he is released on bail, there is possibility of tampering the witnesses and hampering the investigation and also 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.

03.08.2023

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