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CrI.O.P.No. 15122 of 2023

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T.V.THAMILSELVI, J.

The petitioners, who were arrested and remanded to judicial custody on 16.12.2022 and 22.12.2022 respectively for the alleged offence under Sections 8(c), r/w 20(b)(ii)(C), 25 and 29(1) of NDPS Act in Crime No.63 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 16.12.2022, on receipt of a secret information, when the respondent police apprehended the 1st petitioner and on search, he was found in possession of 64 kgs. of ganja. which was banned by the Government and the same was seized by them. Hence, the complaint.

3. The learned counsel for the petitioners submitted that this is the second petition seeking for bail and they are in judicial custody for more than 200 days. He would submit that they have not at all committed any offence as alleged by the respondent police and they are no way connected



Crl.O.P.No. 15122 of 2023

with the occurrence. He would further submit that they have been falsely implicated in this case and they are ready to abide by any condition that may be imposed by this court. He would also submit that as the 1st petitioner is advised to undergo spinal surgery and the 2nd petitioner is suffering from tuberculosis disease, they need treatment in hospital. Hence, he prayed to grant bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that from the 1st petitioner, the contraband of 64 kgs. was recovered. He would submit that the 1st petitioner is having one previous case similar in nature pending against him and 2nd petitioner is having two cases pending against him. He would submit that now the investigation was completed. 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.



CrI.O.P.No. 15122 of 2023

WEB COPY

5. Considering the facts and circumstances and on considering the contentions of the both sides, and also the fact that the petitioners were found in possession of 64 kgs. of ganja and if he is released on bail, he would hamper the investigation and tamper the witnesses, 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.

03.08.2023

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Crl.O.P.No. 15122 of 2023

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rpp

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