



Crl.O.P.No.15587 of 2023

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T.V.THAMILSELVI, J.

The petitioner, who was arrested and remanded to judicial custody on 27.10.2022 for the alleged offence under Sections 8 (c) r/w 20 (b) (ii)(B), 25 and 29(1) of NDPS Act in Crime No.811 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, 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 6905 kg. of ganja, which was seized by them. Hence, the complaint.

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 8 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



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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 from the petitioner along with other accused, the contraband of 6.905 kgs. of ganja was recovered. He would submit that he is arrayed as A2 in this case and there are 4 previous cases similar in nature pending against him. He would submit that now the investigation is almost completed and now the final report has been filed. 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, 6.905 kg. 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



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is required in this case, now the investigation is almost completed and there are four previous cases similar in nature pending against him and at this stage, if he is released on bail, there is possibility of tampering the witnesses and hampering the investigation and now the final report was filed 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. However, since the petitioner is in judicial custody for more than 8 months, the trial court is directed to complete the trial and dispose the case as early as possible not less than four months from the date of receipt of copy of this order.

20.07.2023

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