



Crl.O.P.No.15204 of 2023

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T.V.THAMILSELVI, J.

The petitioner, who was arrested and remanded to judicial custody on 11.11.2022 for the alleged offence under Sections 8 (c), 20 (b) (ii)(B) of NDPS Act r/w under Sec.328 of I.P.C. in Crime No.149 of 2022, on the file of the respondent police, pending trial in C.C. No. 1 of 2023 on the file of Principal Special Court under EC & NDPS Act Cases, Chennai 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 place of Kumaramangalam Check-post and intercepted the petitioner's vehicle. On search, the petitioner along with other accused found in possession of 5.500 kg. of ganja in a bag and seized the same. Hence, the complaint.

3. The learned counsel for the petitioner submitted that this is the



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second petition seeking for bail and he is in judicial custody for more than 7 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 from the petitioner, the contraband of 5.500 kgs. of ganja was recovered. He would submit that he is arrayed as A1 in this case and there are 13 previous cases pending against him, in which one case is registered under NDPS Act. He would submit that now the investigation is almost 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.

5. Considering the facts and circumstances of the case and the submissions made by both counsel and also considering gravity of offence



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committed by the petitioner, 5.500 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 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.

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