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Crl.O.P.No.17665 of 2023

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T.V.THAMILSELVI, J.

The petitioner, who was arrested and remanded to judicial custody on 11.12.2020 for the offences punishable under Sections 8(c) read with 22(c), 29(1) of the Narcotic Drugs and Psychotropic Substances Act, 1985 in Crime No.61 of 2020, on the file of the respondent police, and pending trial in C.C.No.88 of 2021 on the file of the Additional District Court, Special Court for Essential Commodities Act, Coimbatore, seeks bail.

2. The case of the prosecution is that on receiving a secret information about the trafficking of Metham drug from India to Dubai, respondent Police conducted a search and found the accused were in illegal possession of 1.200 grams of Metham drug (Stimulant Drug) in their suit case. The respondent has seized the contraband, arrested the accused and also registered a case against the accused for the offences



Crl.O.P.No.17665 of 2023

WEB COPY

punishable under Sections 8(c) r/w 22(C) and 29(1) of the Narcotic Drugs and Psychotropic Act, 1985. Hence the case.

3. Learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the case has been taken up before the learned Additional District Special Judge Essential Commodities Act, 1985, Coimbatore in C.C.No.88 of 2021 and also stated that the case is still pending and the petitioner is in custody from 11.12.2020. Hence, he prays to grant bail to the petitioner.

4. Learned Government Advocate (Crl.Side) submitted that the petitioner along with the other accused were involved in illegal transportation of 1.200 grams of Metham drug (Stimulant Drug), which is a commercial quantity. He also stated that the final report has been filed and the case is taken up on the file of the learned Additional District Special Judge Essential Commodities Act, 1985, Coimbatore in C.C.No.88 of 2021. He also submitted that the earlier bail petition filed



Crl.O.P.No.17665 of 2023

by the accused has been dismissed by this Court on 21.12.2022 in Crl.O.P.No.29426 of 2022, thereafter, the petitioner filed four bail petitions before the Special Court for EC & NDPS Act cases, and the last bail petition in CMP.No.1747 of 2022 was dismissed on 28.06.2022. Next hearing of this case is on 21.08.2023 for issuing further proceedings. He also submitted that the Special Public Prosecutor filed a petition in CMP.No.1946 of 2023 and seeks permission to conduct further enquiry and the trial Court allowed the said petition on 01.07.2023, and gave permission to conduct further investigation. If the petitioner is granted bail at this stage, there is a possibility of tampering the evidence. Hence, he vehemently opposed to grant bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record.



WEB COPY



Crl.O.P.No.17665 of 2023

T.V.THAMILSELVI, J.

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6. Taking into consideration the facts and circumstances of the case and the submission made by the learned Government Advocate (Crl.Side) and considering the fact that the alleged contraband is a commercial quantity, and as per the request made by the prosecutor the trial Court also gave permission to conduct further investigation, at this stage this Court is not inclined to grant bail to the petitioner.

7. Accordingly, this Criminal Original Petition stands dismissed.

17.08.2023

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Crl.O.P.No.17665 of 2023