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CrI.O.P.No. 32616 of 2022

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T.V.THAMILSELVI, J.

The petitioner, who was arrested and remanded to judicial custody on 03.09.2020 for the alleged offence under Sections 8(c) r/w 20(b)(ii)(C), 25 and 29(i) of NDPS Act in Crime No.28 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 02.09.2020, at about 14.00 hrs., on a secret information, when the respondent intercepted and conducted search on the lorry at Vikravandi tollgate, and found the petitioner along with other accused in possession of 112 kgs. of dry ganja. As per the instructions of A4, the accused persons purchased the above said contrabands from A3 at Andhra Pradesh to sell the same to drug users. Hence, the complaint.

3. The learned counsel for the petitioner submitted that this is the fifth petition seeking for bail and A2 is only a driver of lorry. He would



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submit that he was engaged by third parties to carry goods and he has lack of knowledge of goods carried in the vehicle. He would also submit that on the confession of A1, he was implicated as accused in this case and no recovery made from this petitioner. He would submit that the respondent completed the investigation and filed charge sheet before the trial court. He would also submit that the mandatory provision of Sec.42(1) has not been complied with by the respondent. He would submit that he has not at all committed any offence as alleged by the respondent police and he is no way connected with the occurrence. He would further submit that the petitioner has been suffering incarceration for more than two years from 03.09.2020. He would submit that alleged contraband was seized from A1 Muruganandam and not from this petitioner and to that effect, he has produced mahazar. Hence, he prayed to grant bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that he is owner of lorry and he transported the contraband knowingly well and accompanied with A1. He would submit that though the contraband recovered from A1, he accompanied with him.



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He would submit that now the investigation is not yet completed and 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. On seeing the facts, the petitioner is owner of lorry and 112 grams of ganja recovered at the time of occurrence, which is a commercial quantity. He accompanied along with A1 and he knowingly well, transported the contraband and though the bail granted to A4, no recovery was made from him. Considering the above facts and circumstances of the case and the submissions made by both counsel and also considering gravity of offence committed by the petitioner on recovery of 112 kgs. of ganja, which is a commercial quantity and the investigation is not yet completed and also considering the fact that if he is released on bail, there is possibility of tampering the witnesses and hampering the investigation, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

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