



Crl.O.P.No.26519 of 2023

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T.V.THAMILSELVI, J.

The petitioner, who was arrested and remanded to judicial custody on 05.02.2022 for the alleged offence under Sections 8 (C) r/w 20 (b) (ii)(C), 25 and 29(1) of NDPS Act in Crime No.22 of 2022, on the file of the respondent police, pending trial in C.C. No. 60 of 2022 on the file of Addl. District Judge / Presiding Officer, Special Court for Essential Commodities Act Cases, Coimbatore seeks bail.

2. The case of the prosecution is that on a secret information and by tracing the cell-phone tower location of this petitioner, after chasing by the Tamil Nadu Police and Kerala State Intelligence Section Police, they intercepted the petitioner along with other accused vehicle and found that they were in possession of 88 bags each containing 2 kgs. of ganja, totally 176 kgs. in the said mini lorry and seized the same. Hence, the complaint.



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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 1 year 6 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 and co-accused was released on bail by this court. He would submit that the calender case is of the year 2022, but so far, trial is not yet commenced. 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 in 88 bags each containing 2 kgs. of ganja, totally 176 kilograms of ganja was recovered, which is a commercial quantity. He would submit that he is arrayed as A1 in this case, but so far he has not engaged the counsel and now the investigation is almost completed. He would submit that there is no previous case pending against him and if he is released on bail, he would



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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, totally 176 kgs. 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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