



Crl.O.P.No. 2155 of 2024

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T.V.THAMILSELVI, J.

The petitioner, who was arrested and remanded to judicial custody on PT Warrant on 07.07.2023 for the alleged offence under Sections 8(c) r/w 20(b) (ii)(C), 29(i) and 25 of NDPS Act, pending trial in Spl. C.C.No. 241 of 2023 on the file of Special Judge for EC and NDPS Act cases at Salem in Crime No.14 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 12.01.2022, at about 04.e0 a.m., on a secret information, when the respondent police during a patrol of vehicle check-up at Kumarapalayam, Kotheri, Coimbatore National Highway, on the way from Salem to Coimbatore, they have intercepted and conducted search on the vehicle of petitioner. On search, they found 100.000 kgs. of ganja from the petitioner along with other accused and seized the same. Hence, the complaint.

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



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is arrayed as A7 and only on the confession statement of A1 to A4, he was falsely implicated in this case. He would submit that there is no recovery from this petitioner and there is no specific overtact attributed against the petitioner. 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 investigation is almost completed and that the petitioner has been suffering incarceration for more than seven months from 07.07.2023. He would submit that all the other co-accused were released on bail. Hence, he prayed to grant bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that totally, there are 10 accused involved in this case and the petitioner is arrayed as A7. He would submit that though there is no recovery from this petitioner as well as co-accused released on bail, he raised objection stating he is having two previous cases, out of which one case registered under the NDPS Act and another case registered under the Arms Act. He would submit that now the trial was commenced and at this



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stage, if he is released on bail, he will 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 and now the trial was commenced and the fact that the co-accused were released on bail and also considering the fact that there are two previous cases pending against him, where were registered under NDPS Act and Arms Act and the fact that if he is released on bail, there is possibility of tampering the witnesses and hampering the investigation and on seeing the bad antecedents of petitioner, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

21.02.2024

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