



CrI.O.P.No.3705 of 2024

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T.V.THAMILSELVI, J.

The petitioner, who was arrested and remanded to judicial custody on 04.02.2022 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 Special Court for cases under EC & NDPS Act, 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.

3. The learned counsel for the petitioner submitted that this is the fourth petition seeking for bail and he is in judicial custody for more than 2 years 36 days. He would submit that he is an innocent person and he is no



Crl.O.P.No.3705 of 2024

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 completed. He would submit that now the trial was commenced and the case is posted for examination of LW.1 on 15.03.2024. So, at this stage, 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



Crl.O.P.No.3705 of 2024

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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 completed and trial was commenced and the case is posted for examination of L.W.1 on 15.03.2024 and the fact that 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. However, the trial court is directed to complete the trial and dispose the case within a period of six months from the date of receipt of copy of this order.

12.03.2024

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T.V.THAMILSELVI, J.



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Crl.O.P.No.3705 of 2024

rpp

Crl.O.P.No.3705 of 2024

12.03.2024