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Crl.O.P.No. 5329 of 2024

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T.V.THAMILSELVI, J.

The petitioner, who was arrested and remanded to judicial custody on 03.01.2022 for the alleged offences punishable under Sections 8(C) r/w 20(b)(ii)(c) of NDPS Act altered into 8(C) r/w 20(b)(ii)(c), 29(i) of NDPS Act, in Crime No.9 of 2022 on the file of the respondent police, pending trial in C.C.No. 110 of 2022 on the file of I Addl. Special Judge for NDPS Act cases, Chennai seeks bail.

2. The case of prosecution is that on receipt of secret information about illegal sale, the respondent police along with his team went to the scene of occurrence and on search, they found the petitioner along with other accused in possession of 26 kgs. of contraband and the same was seized by them. Accordingly, the complaint was registered against the petitioner.



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3. The learned counsel for the petitioner submitted that this is third petition seeking for bail and he is in custody for more than 2 years 1 month. He would further submit that he is no way connected with the offence and he has not at all committed any offence as alleged by the respondent police. He would submit that there is no recovery from this petitioner and he is ready to abide by any condition that may be imposed by this Court. Hence, he prayed to grant bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that the respondent police recovered 26 kgs. of contraband from the accused, which is a commercial quantity. However, now the investigation is almost completed and the trial was commenced. He would submit that out of six witnesses, so far four witnesses were examined and it is at the part-heard stage and he is hailing from Andhra Pradesh. He would submit that if he is released on bail, he would hamper the investigation and tamper the witnesses. He would submit that earlier petition for bail was dismissed only on 09.02.2024 and within a month, this petition has been filed. Hence, he strongly opposed to grant bail to the petitioner.



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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 investigation was completed and the trial was commenced and out of six witnesses, so far 4 witnesses were examined and it is a part-heard matter and the fact that petitioner is hailing from Andhra Pradesh 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 earlier petition for bail was dismissed by this court on 09.02.2024 and so, within one month there is no change of circumstances, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed. The petitioner is directed to cooperate with the trial proceedings.

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