



Crl.O.P.No.17761 of 2024

T.V.THAMILSELVI, J.

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This Criminal Original Petition has been filed by the petitioner/A2, who was arrested and remanded to judicial custody on 10.05.2022, seeking bail in Spl.C.C.No.87 of 2022 pending on the file of the learned Special Judge for EC and NDPS Act Cases, Salem, in connection with Crime No.19 of 2022 for the alleged offences punishable under Sections 8(c) r/w 20(b)(ii)(C), 25 & 29(1) of Narcotic Drugs and Psychotropic Substances Act, 1985.

2. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and she has been falsely implicated in this case, only based on the confession of A1. He also submitted that the petitioner is no way connected with the alleged offence and even as per the prosecution, there was no recovery from the petitioner, however, she has been suffering incarceration from 10.05.2022. He further submitted that the investigation has been completed and the case has also been taken up for trial on the file of the learned Special Judge for EC and NDPS Act Cases, Salem. Hence, he sought for bail.

3. The respondent has filed a detailed counter.

4. Learned Government Advocate (Criminal Side) appearing for the respondent police raised objection for granting bail to the petitioner/A2 stating that, the first accused was found to be in illegal possession of 100 kilograms of Ganja (commercial quantity), which was smuggled by him in a car from Andhra Pradesh.



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5. He further submitted that even though there was no recovery from the petitioner herein, the specific overt act against her is that, she along with the other accused, colluded each other and instructed A1 to purchase contraband from Andhra Pradesh illegally for their personal gain. He also submitted that the charge sheet has been filed in this case and the same has also been taken up for trial in Spl.C.C.No.87 of 2022 on the file of the learned Special Judge for EC and NDPS Act Cases, Salem and the case now stands posted today for examination of LW1 & LW2. Further, the petitioner is a habitual offender, against whom, nine previous cases of similar nature are pending. Therefore, she is not entitled for bail.

6. Taking into consideration the circumstances of the case and taking note of the facts that the petitioner has failed to satisfy the twin conditions required under Section 37 of NDPS Act and the trial has been commenced in this case and also considering the antecedents of the petitioner, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, this Criminal Original Petition stands dismissed.

26.07.2024

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