



Crl.O.P.No. 19589 of 2024

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T.V.THAMILSELVI, J.

The petitioner, who was arrested and remanded to judicial custody on 08.01.2019 for the alleged offences punishable under Sections 8(c) r/w 20(c), 20(b)(ii)(C), 27(A), 28 and 29 of NDPS Act, in NCB. F.No.48/1/02/19-NCB/MDS on the file of the respondent police, pending trial in C.C.No. 116 of 2019 on the file of learned Principal Special Judge for NDPS and EC Act cases, Chennai seeks bail.

2. The case of prosecution is that on receipt of secret information about transportation of ganja, the respondent police along with his team went intercepted the vehicle with the petitioner along with two other accused and conducted a search in the car, they found the petitioner along with other accused are involved in illegal transportation of 50 packets of ganja, which is weighing around 107 kg. of ganja. Accordingly, the complaint was registered against the petitioner.



Crl.O.P.No. 19589 of 2024

WEB COPY

3. The learned counsel for the petitioner submitted that this is the fourth petition seeking for bail and he is in custody for more than 5 years. He would further submit that while dismissing the first petition for bail, there was a direction to the trial court to dispose the case in the month of January 2024, so far trial has not been completed. He would 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 he has been falsely implicated by the respondent police in this case and he is ready to abide by any condition that may be imposed by this Court and co-accused was released on bail. He would further submit that the investigation is almost completed and so far, there is no progress in the trial. Hence, he prayed to grant bail to the petitioner.

4. By way of reply, the learned Government Advocate (Crl. Side) appearing for respondent would submit that though the trial was completed and all the witnesses were examined, on the side of petitioner, a recall petition was filed to recall witnesses and the case is now posted for 313 questioning on 14.10.2024. He would submit that at this stage, if he is



Crl.O.P.No. 19589 of 2024

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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 transporting 107 kgs. of ganja, which is a commercial quantity and now the trial was completed and all the prosecution witnesses were examined and now the case is posted for 313 questioning on 14.10.2024 and the fact that due to a recall petition seeking to recall the witnesses filed by the petitioner, now the case is pending and the fact that if he is released on bail, there is possibility of tampering the witnesses and hampering the investigation and 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.

26.09.2024

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Crl.O.P.No. 19589 of 2024

T.V.THAMILSELVI, J.

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Crl.O.P.No. 19589 of 2024

26.09.2024