



CrI.O.P.No. 21797 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, 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 EC/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 32 kgs. of contraband and the same was seized by them. Accordingly, the complaint was registered against the petitioner.

3. The learned counsel for the petitioner submitted that this is fifth petition seeking for bail and he is in custody for more than 2 years 8 months. He would further submit that he is no way connected with the



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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. He would submit that except this petitioner, other accused are released on bail. Hence, he prayed to grant bail to the petitioner.

4. The learned Government Advocate (CrI. Side) appearing for respondent would submit that totally, there are four accused involved in this case, in which the petitioner is arrayed as A4. He would submit that the respondent police recovered 32 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 there are 14 witnesses in this case and the case is posted on 12.09.2024 for examination of L.W.4 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. 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, he along with other accused were in possession of 32 kgs. of contraband and investigation was completed and the trial was commenced and out of 14 witnesses, now the case is posted for examination of L.W.4 and it is a part-heard matter and the fact that petitioner is hailing from Andhra Pradesh and the fact that the except this accused, other accused were released on bail, since they were belong to Tamil Nadu 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 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. The petitioner is directed to cooperate with the trial proceedings.

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