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CrI.O.P.No. 22726 of 2024

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T.V.THAMILSELVI, J.

The petitioner, who was arrested and remanded to judicial custody on 09.01.2019 for the alleged offence under Sections 8(c) r/w 20(b)(ii)(C), 27(A), 28 and 29 of NDPS Act, pending trial in C.C.No.116 of 2019 on the file of Special Court under EC/NDPS Act, Chennai in NCB.F.No.48/1/02/2019-NCB/MDS on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on a secret information about the illegal transportation of ganja, the respondent police along with his team intercepted the petitioner's vehicle. On search, the petitioner along with other accused found in possession of 100 kgs. of ganja from Andhra Pradesh and seized the same. Hence, the complaint.

3. The learned counsel for the petitioner submitted that this is the second petition seeking for bail and he is in judicial custody for more than 6 years, but there is no progress in the trial. He would submit that based on



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the confession of other accused, he was falsely implicated in this case and there is no recovery from this petitioner and he is an innocent person and he is no way connected with the case. He would submit that he has not at all committed any offence as alleged by the respondent police and he was not present at the scene of occurrence. He would submit that the investigation is almost completed and he would abide by any condition that may be imposed by this court. Hence, he prayed to grant bail to the petitioner.

4. The learned Special Public Prosecutor appearing for respondent would submit that from the petitioner's vehicle, the contraband of 100 kgs. of ganja from Andhra Pradesh was recovered and the petitioner is arrayed as A1 in this case. He would submit that as per the confession of other accused, he has actively participated in the offence and now the investigation is almost completed. He would submit that 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 submissions made by both counsel, considering the gravity of offence committed by the petitioner by transporting ganja, the petitioner also



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travelled in the vehicle, and the respondent police recovered 100 kgs. of ganja, which is a commercial quantity and also the fact that investigation is still pending and at this stage, 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.

07.11.2024

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