



CrI.O.P.No.23112 of 2024

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T.V.THAMILSELVI, J.

The petitioner, who was arrested and remanded to judicial custody on 24.07.2023 for the alleged offence under Sections 8 (c), 22 (b), 25 of NDPS Act in Crime No.94 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 11.06.2023 around 21.30 hours, on a secret information about selling of cocaine near Old Jail Road, Pidariyar Kovil Street Junction in a car, they intercepted the petitioner's vehicle. On search of the vehicle, he along with other accused said to have found a polythene cover containing cocaine in left side of his track pant pocket and on weighing the same, they found to be in possession of 20 grams of cocaine illegally. After interrogation, they went to accused house, wherein on search, they found 21 Ecstasy pills and the same were seized by them. Hence, the complaint was registered against the petitioner.



Crl.O.P.No.23112 of 2024

WEB COPY

3. The learned counsel for the petitioner submitted that this is the second petition seeking for bail. He would submit that based on the confession of A1, the petitioner has been falsely implicated in this case as if he involved in the offence along with other accused and he does not know about the concealed contraband and nothing was recovered from this petitioner. He would submit that he has not at all committed any offence as alleged by the respondent police and the investigation is almost completed. He would submit that that the petitioner has been suffering incarceration from 24.07.2023 for more than one year three months. He would submit that he belong to only India and to that effect, he produced the nativity certificate. Furthermore, the respondent police not complied the conditions as stipulated under Sec.37 of NDPS Act. Accordingly, he prayed to grant bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that totally 5 grams of cocaine was recovered and on house search, 41 Ecstasy pills was recovered from the vehicle. He would



CrI.O.P.No.23112 of 2024

WEB COPY

submit that and more than two grams of cocaine is a commercial quantity and A1 and A2 have purchased the contraband only from the petitioner and tried to sell the same in local areas. He would also submit that the petitioner belong to Nigeria and one previous case similar in nature is pending against him. He would submit that now investigation was completed and charge sheet was filed in C.C.No. 1025 of 2023. He would submit that if he is released on bail, he may abscond and 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 and also considering gravity of offence committed by the petitioner, totally 5 grams of cocaine was recovered and on house search, 41 Ecstasy pills was recovered, which is a commercial quantity and in fact, A1 and A2 were used to purchase the contraband from the petitioner and tried to sell the same in local areas, however, the learned counsel for petitioner submitted that no recovery was made from him and only to curtail his activity, NDPS Act is foisted against him, in which a



CrI.O.P.No.23112 of 2024

WEB COPY

detailed investigation is required in this case and at this stage, if he released on bail, he may abscond and there is possibility 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.

18.10.2024

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Crl.O.P.No.23112 of 2024

T.V.THAMILSELVI, J.

rpp

Crl.O.P.No.23112 of 2024

18.10.2024