



Crl.O.P.No.23551 of 2024

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T.V.THAMILSELVI, J.

The petitioner, who was arrested and remanded to judicial custody on 16.06.2023 for the alleged offence under Sections 8 (c), 20 (b) (ii)(C), 28 and 29 of NDPS Act in C.C.No.230 of 2024 on the file of the II Addl. Special Judge for NDPS Cases, Chennai, seeks bail.

2. The case of the prosecution is that on 13.06.2023 on a secret information about transportation of ganja, the respondent police went near Karanodai Toll plaza, Nallur, and they intercepted the petitioner's vehicle. On search of the vehicle, the petitioner along with other accused said to have been in possession of 160 kgs. of ganja at the false roof and a false bottom of chocolate brown coloured Bolero vehicle and the same was seized. Hence, the complaint was registered against the petitioner.

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 statement, the petitioner was falsely implicated in this case is if he illegally transported 160 grams of ganja and he does not know about the



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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 16.06.2023 for more than one year four months. Hence, he prayed to grant bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that the petitioner was arrayed as A1 and he was not arrested only on the basis of statement recorded by other accused under Sec.67 of NDPS Act and on verification of phone call report, it revealed that he purchased the seized 160 kgs. of ganja from one Sunder Rao of Paderu area A.P. and during house search, 1760 kgs. of ganja was also recovered from his possession and also seized. He would submit that one previous case similar in nature is pending against him. 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.



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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, 160 kgs. of ganja recovered from him during his house search, 1760 kgs. of ganja was recovered, which is a commercial quantity and he was not arrested only on the confession statement of other accused, however, the phone call report furnished by the prosecution would reveals the involvement of offence by the petitioner, 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 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 there is no change of circumstances, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

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