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Crl.O.P.No. 25385 of 2024

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T.V.THAMILSELVI, J.

The petitioner, who was arrested and remanded to judicial custody on 07.11.2023 for the alleged offence under Sections 8(c), r/w 20(b)(ii)(C), 25, 29(1) of NDPS Act, pending trial in Spl. C.C.No.62 of 2024 on the file of Special Court NDPS Cases at Salem in Crime No. 34 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 06.11.2023 on a secret information about the smuggling from Andhra Pradesh in a lorry, the respondent police along with his team intercepted the petitioner's vehicle. On search, they were found in possession of 50 pockets. of ganja totally 100.5 kgs. illegally and seized the same. Hence, the complaint.



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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 one year. He would submit that he has been falsely implicated in this case as if he possessed the contraband, but there is no recovery from this petitioner. He would also submit that the prosecution not produced any material evidence against him that he had illegally transported ganja 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 and no previous case pending against him. Hence, he prayed to grant bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that totally 100.5 kgs. of ganja recovered from the accused persons, which is a commercial quantity. He would submit that totally there are two accused involved in this case and the petitioner is arrayed as A1 in this case. He would submit that he is having four cases similar in nature pending and he had four sim cards, through which, he has



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managed the calls. He would submit that if he is released on bail, he would tamper the witnesses and hamper the investigation and investigation is not yet completed. 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, he along with other accused found to be in possession of 100.5 kgs. of ganja, which is a commercial quantity and investigation is not yet completed and the fact that there are four previous cases similar in nature pending against him 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.

18.10.2024

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