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CrI.O.P.No.25446 of 2023

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T.V.THAMILSELVI, J.

The petitioner, who was arrested and remanded to judicial custody on 07.02.2020 for the alleged offence under Sections 8 (c) r/w 20(b)ii(c), 28 and 29 of the NDPS Act, 1985 in C.C. No.87 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on information from Allikuppam Tol Plaza, Chennai, from the Offices of Narcotics Control Bureau, Chennai, NCBT mounted surveillance, Allikuppam Tol Plaza around on 6.15 p.m., the NCBT on being identified by the NCBT the Red colour Skoda Car bearing Registration No.AP05-N-8461 was intercepted and there were three occupancy in the car who are A1 to A3. On enquiry it was found that they are in possession of 200 Kgs of Ganja packed in 93 packets, kept the dickey of the car which was seized and thus, a complaint came to be lodged and law was set in motion. Hence, the complaint.



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3. The learned counsel for the petitioner/A3 submitted that A2 is a Manager and A3 is a driver of the vehicle and he is not the owner of Skoda vehicle in which contraband was found. The Reliance Office has intimated by a letter dated 27.04.2020 that mobile number of the petitioner/A3 does not pertain to their net work and on further enquiry it is found that it is a CDMA mobile and it belongs to Punjab. So, there is no connection to allege conspiracy between A3, A2 and A1. Apart from that A2 is the main person, he is main king pin and he is the main financier of the case & A3, is only the chance of A2 and A1. A2 had smartly played the game of the chess. At the time of arrest A2 was aged about 17 years and he was the main culprit. A3 is only a driver, no conspiracy and no material is found against him. She further submit that now two years had completed and no witness has been examined yet. There is no iota of truth in the complaint and A3 is no way connected with the alleged offence. She would submit that he has not at all committed any offence as alleged by the respondent police and there is no property recovered from this petitioner. She would submit that the trial has not been completed and that the petitioner has been suffering incarceration from 06.02.2020. Hence, she prayed to grant of bail to the petitioner.



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4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that the petitioner is arrayed as A3 and totally, there are three accused involved in this case. He would submit that the petitioner, who drove the vehicle along with other persons, was intercepted and on enquiry all the three persons said that they are having 300 kgs of Ganja and this petitioner/A3 opened the dickey and handed over the contraband. He further submit that there are totally 5 witnesses, P.W.1 to P.W.3 were examined, but the petitioner has no cross-examine the witnesses. Now the trial is not 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 side counsel contraband was not found from the petitioner/A3 and he is falsely implicated in this case, A2 who was a juvenile also released on bail, he is in custody of observation home and prayed for bail. P.W.1 to P.W.3 has already been examined. The trial is not



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completed and also considering gravity of offence committed by the
petitioner, and now the trial is begun and there is possibility of tampering
the witnesses and hampering the investigation, this Court is not inclined to
grant bail to the petitioner.

6. Accordingly, this Criminal Original Petition is dismissed.

04.01.2024

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