



Crl.O.P.No.26538 of 2023

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T.V.THAMILSELVI, J.

The petitioner, who was arrested and remanded to judicial custody on 21.05.2022 for the alleged offence under Sec.225B of I.P.C. and Sec.21(c), 8(c) of NDPS Act, 1985, in Crime No.44 of 2022 on the file of the respondent police, seeks bail.

2. The case of prosecution is that on 14.05.2022, based on a secret information, the respondent police found that the petitioner is transporting drugs viz., 100 grams of MDMA tablets for sales and the same was seized from the accused. Hence, the complaint was registered against the petitioner.

3. The learned counsel for the petitioner submitted that the petitioner is the sole accused and this is the second petition seeking for bail. He would submit that he is an innocent person and he has not at all committed any offence as alleged by the respondent police. He would submit that there is no role of the petitioner in the alleged offence and he



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has been falsely implicated as accused in this case, in fact, the recovery from his plastic bag is only 15 grams as per the statement given by Village Administrative Officer, however, he was implicated along with other accused stating that he was in possession of 100 grams. He would submit that the investigation is almost completed and that the petitioner has been suffering incarceration for more than one year seven months from 21.05.2022. Hence, he prayed to grant bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that the petitioner is the sole accused. He would submit that when the respondent police intercepted the accused vehicle, he was found in possession of MDMA weighing about 100 grams, which is a commercial quantity. He would also submit that he belong to Kerala state and out of 15 witnesses, so far 7 witnesses were examined. At this stage, if he is released on bail, he may abscond and he would tamper the witnesses and hamper the investigation and the investigation is not yet completed. Hence, he vehemently opposed to grant bail to the petitioner.



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5. Considering the above facts and circumstances and also considering both side submissions and on seeing the facts, it reveals that the petitioner belong to Kerala State and he was found in possession of MDMA weighing about 100 grams, which is a commercial quantity and out of 15 witnesses, so far 7 witnesses were examined, now at this stage, if he is released on bail, there is possibility of tampering the witnesses and hampering 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. However, the trial court is directed to complete the trial and dispose the case within a period of three months from the date of receipt of copy of this order, since the accused is in custody for more than two years seven months from 21.05.2022.

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