



Crl.O.P.No. 27981 of 2024

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T.V.THAMILSELVI, J.

The petitioner, who was arrested and remanded to judicial custody on 28.11.2021 for the alleged offence under Sections 8(c) r/w 20(b)(ii)(C) and 29(1) of NDPS Act in Spl. C.C.No. 76 of 2022 pending on the file of Special Judge for EC and NDPS Act Cases at Salem in Crime No.50 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on a secret information, on the date of occurrence, when the respondent police conducted a regular vehicle check-up, they intercepted the petitioner's vehicle and on search, they found the petitioner along with other accused have transported from Andhra Pradesh, totally 140 bags containing 280 kgs. of ganja in a Bolero pickup vehicle and subsequently on the confession statement of co-accused, he had confessed that they have transported totally 170 bags containing 340 kgs of ganja, in which 30 bags containing 60 kgs. of ganja were delivered to a



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person viz., Anandi and Raju at Erode. Thereafter, based on the confession statement, they have seized 30 bags containing 60 kgs of ganja and seized the same. Hence, the complaint.

3. The learned counsel for the petitioner submitted that this is the third petition seeking for bail and he is in judicial custody from 28.11.2021 for more than 3 years. He would submit that there is no specific overtact attributed against this petitioner and he has not at all committed any offence as alleged by the respondent police. He would submit that he is no way connected with the occurrence and he was falsely implicated in this case as if he accompanied with the other accused and alleged to have been in possession of 280 kgs of ganja. He would further submit that the investigation is almost completed and for more than 3 years, there is no progress in the trial and co-accused was released on bail. Hence, he prayed to grant bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that the accused have involved in illegal transportation of 340 kgs. of ganja, which is a commercial quantity and the



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petitioner is arrayed as A1. He would submit that there are 2 cases similar in nature pending against him and if he is released on bail, he will 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 and the contraband of 340 kgs. of ganja recovered, which is a commercial quantity and now trial was begun and he is having two previous cases similar in nature pending, according to petitioner's counsel, he was in judicial custody for more than 3 years, and subsequent to his arrest, two cases were registered against him, but on seeing counter objections, it was found that the said two cases were registered in the year of 2021 and at this stage if he is released on bail, there is possibility of 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.



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