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Crl.O.P.No. 27137 of 2023

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T.V.THAMILSELVI, J.

The petitioner, who was arrested and remanded to judicial custody on 09.02.2022 for the alleged offences punishable under Sections 8(C) r/w 22(c) and 9 of NDPS Act, in NCB F.No.48/1/02/2022-NCB/MDS, on the file of the respondent police, pending trial in C.C.No. 226 of 2022 on the file of Special Judge for NDPS Act cases at Chennai, seeks bail.

2. The case of prosecution is that on receipt of secret information, the respondent police along with his team went to the scene of occurrence and on search, they found the petitioner along with other accused involved in illicit trafficking of 11.000 kgs. of Methamphetamine in a truck bearing Regn. No. TN-18-AD-1478 from Moreh via Guwahati to Chennai by travelling about 3200 km. and the same was seized by them. Accordingly, the complaint was registered against the petitioner.



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3. The learned counsel for the petitioner submitted that this is third petition seeking for bail and he is in custody for more than 2 years 20 days. He would further submit that he is no way connected with the offence and the only allegation as alleged in the complaint that he is owner of vehicle and he has not at all committed any offence as alleged by the respondent police. He would submit that a sum of Rs.24,18,131 was credited through Yes Bank account to this petitioner/A5's KVB Perungudi branch account on 27.12.2021 and the amount was withdrawn by A5 through self cheque and some amount transferred to A2. A3 had made several financial transaction through his account to A2, A5, A6 and A1 also made several recharge of fastag of the seized vehicle bearing Regn. No.TN-18-AD-1478 and the actual owner of the seized vehicle was this petitioner/A5. On analysis of all the bank statements of A3, it came to light revealed that Ajay made several 50,000/- amount deposit to his account on cash and several amount was also transferred from his account to A2 and all others. He would also submit that the call details in respect of mobile numbers to be controlled by A1, A3, A4, A5 revealed their presence at Guwahati during the period from 3rd week of January 2022 to first week of



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February 2022 and their frequent contacts between this period, makes it evident that they have conspired with each other known to the accused and unknown to the complainant and enter into the criminal conspiracy along with A2, A6 and A7 from Moreh for procurement, possession, financing, inter-state transportation, attempted to export from India/ trafficking of 11 kg. of methamphetamine from Moreh, Manipur to Chennai and further attempted to export to Sri Lanka without any valid license or documents. It is emerged that in the instant case, the accused were well organised and well established gang of illegal drug traffickers. A2 purchased the truck bearing Regn. No.TN-18-AD-1478 on 29.04.2015, but he intentionally prepared the registration in the name of A5 and the same was used for transportation of ganja and the seized Methamphetamine. He would also submit that the vehicle Regn. No. TN-13-R-4314 Ashok Leyland Dost was purchased by A2 and registered in the name of A3 and vehicle Regn. No.TN-28-AM-4405 TATA LPT Truck 3118 was purchased from one N.Srinivasan by A2 and the same was registered in the name of Vaijyanthi, wife of S.Ajay (A3). He would submit that vehicle Regn. No.TN-8-BZ-2532 a Bajaj Dominor bike was purchased by A2 during the



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year 2021 for his personal use and registered in the name of A6. A3 had done this consciously apprehending legal action against him and hide his identity from the law intentionally. So, the learned counsel would submit that the petitioner is only owner of vehicle and except that, he has not played any role in the transportation of ganja. Furthermore, there is no recovery from this petitioner and he is ready to abide by any condition that may be imposed by this Court. Hence, he prayed to grant bail to the petitioner.

4. The learned Special Public Prosecutor appearing for respondent would submit that the respondent police recovered 11.000 kgs. of Methamphthamine in a truck bearing Regn. No. TN-18-AD-1478 from Moreh via Guwahati to Chennai, which is owned by this petitioner. Totally, there are 7 accused involved in this case. He would also submit that the allegations made by the petitioner in para-3 is not correct and denied. He would submit that he is not an innocent person. Furthermore, he has clearly admitted his guilt in his own voluntary statement for illicit trafficking of 11 kgs. white coloured crystalline powder to be Methamphetamine, which was seized at NH-16, Gummidipoondi. He would submit that the petitioner was



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identified by A1, where the petitioner was travelling in cauvey travels, which was coming behind the truck from Thuni to Chennai not Ariyalur the ticket of the said travel is also available in complaint book. He would submit that if he is released on bail, he would hamper the investigation and tamper the witnesses. Hence, he strongly 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 investigation was completed and the trial was commenced 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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