



CrI.O.P.No.4580 of 2022

DR.G.JAYACHANDRAN,J.

The petitioner, who was arrested and remanded to judicial custody on 03.10.2020 for the alleged offences punishable **under Sections 8 (c), r/w 20 (b) (II) (B) (C), 25, 29(1) of NDPS Act**, in Crime No.1169 of 2020, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner was involved in illegal possession of 1.5 kg of contraband(Ganja) and seeks bail on the ground that he has been in prison for more than two and a half years and this case will be considered liberally

3. The learned Additional Public Prosecutor appearing for the respondent submits that investigation has been completed and final report has also been filed in C.C. No. 97 of 2021 on file of the **learned I Additional Special Court for Exclusive Trial of Cases under NDPS Act, Chennai.**



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4. However, the learned Additional Public Prosecutor has filed a counter in this case and she also submitted that though 1.5 kg contraband (ganga) was recorded from the possession of the petitioner but totally there were about 25 kgs of contraband(Ganja) were recovered from 5 accused persons who conspired together and involved in transporting and selling of the said contraband (Ganja).

5. The case of conspiracy is that, the possession of one person should be responsible for the possession of other persons also and further section **29(1) of NDPS Act attracts.**

6. Therefore, this Court on perusal of the final report and the document relied by the prosecutor finds that about 25.50 kgs of contraband(Ganja) has been seized from five persons, of which the petitioner is one among those five persons who have conspired together for possession and for transportation of the commercial quantity of narcotic drug.



7. In view of the above, this Court finds that *prima facie* case is made out by the prosecution. Hence, this Court is not inclined to grant bail to the petitioner.

8. Accordingly, this Criminal Original Petition is dismissed.

04.03.2022

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