



CrI.OP.No.17272 of 2022

CrI.O.P.No.17272 of 2022

WEB C **G.K.ILANTHIRAIYAN, J.**

The petitioner, who was arrested and remanded to judicial custody on 27.11.2020 for the offences punishable under Sections 8(c) read with Section 20(b)(ii)(c), 29(i) of the Narcotic Drugs and Psychotropic Substances Act, 1985 in Crime No.799 of 2021, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused were in possession of 22 kgs of Ganja. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner has been falsely implicated in this case. That apart, the petitioner has been suffering incarceration from 27.11.2020. Hence, he prays for grant of bail to the petitioner.

4. The Additional Public Prosecutor appearing for the respondent would submit that the specific overt act against the petitioner is that the petitioner along with other accused was in possession of 22 kgs of Ganja. Hence, he opposed to grant bail to the petitioner.



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5. It is relevant to rely upon the judgment made by the ***Hon'ble Supreme Court*** in **Criminal Appeal Nos. 1001-1002 of 2022.** , wherein it is held that:

"17. Even dehors the confessional statement of the respondent and the other co-accused recorded under Section 67 of the NDPS Act, which were subsequently retracted by them, the other circumstantial evidence brought on record by the appellant-NCB ought ot have dissuaded the High Court from exercising the discretion in favour of the respondent...."

6. Further it is held that,

"18. the narrow parameters of the bail under section 37 of the Act, have not been satisfied in the facts of the instant case. At this stage, it is not sage to concluded that the respondent has successfully demonstrated that there are reasonable grounds to believe that he is not guilty of the offence alleged against him....."



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7. In view of the above, this Court is not inclined to grant bail to the petitioner.

8. Accordingly, this Criminal Original petition is dismissed.

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