



Crl.OP.No.17421 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioner, who was arrested and remanded to judicial custody on 24.03.2022 for the offences punishable under Sections 8(c) r/w 20(b)(ii)(C) of NDPS Act, 1985 in crime No.15 of 2022 on the file of the respondent police, seeks bail.

2. According to the case of the prosecution, based on the secret information, respondent police found the petitioner herein with the possession of 20.800 Kgs of Ganja. Hence, the case.

3. The learned counsel appearing for the petitioner submitted that only to attract the provisions under Section 37 of NDPS Act, the respondent police has foisted a false case as if the petitioner was in possession of 20.800 Kgs of contraband. Even assuming that the petitioner was in possession of contraband, the contraband was weighed along with two gunny bags. Therefore, even according to the case of the prosecution, the petitioner was in possession of contraband below the commercial quantity.

4. Now, here, according to the case of the prosecution, the petitioner



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is a sole-accused and he was in possession of 20.800 Kgs of Ganja in two polythene bags. Therefore, the polythene bags would not account to rescue the petitioner, since the petitioner was in possession of commercial quantity of Ganja.

5. That apart, the petitioner failed to satisfy the twin conditions as contemplated under Section 37 of the NDPS Act . Therefore, this Court is not inclined to grant bail to the petitioner and this Criminal Original Petition is dismissed.

26.07.2022

mpl



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