



CrI.OP.No.18530 of 2022

CrI.O.P.No.18530 of 2022

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

The petitioner, who was arrested and remanded to judicial custody on 18.02.2020 for the offences punishable under Sections 8(C) read with Section 20(b)(ii)(C), NDPS ACT in Crime No.4482 of 2020, seeks bail.

2. It is seen that, there are totally 3 accused, in which, the petitioner was arrayed as A1. It is alleged that the petitioner/A1 was found in possession of 22 kgs of ganja and A2 was found in possession of 22 kgs of ganja and A3 was found in possession of 2 kgs of ganja. Hence, the case.

3. The learned counsel for the petitioner would submit that, according to the case of the prosecution, the alleged occurrence took place on 18.12.2020, whereas, the special report given by the defacto complainant to the Respondent Police states that the alleged occurrence took place on 18.12.2019 and the alteration report states that the alleged occurrence took place on 16.12.2020 and further the contraband was produced before the learned Magistrate on 19.01.2021. Therefore, the entire case is foisted one as against the petitioner. Hence, he prays for grant of bail to the petitioner.



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4. On perusal of the entire records, it is seen that, there were typographical error in two places ie., in the arrest report and in the seizure report, however, on perusal of the confession statement and FIR, it is categorically revealed that the occurrence took place on 18.12.2020 at about 10.30.a.m. Therefore, the contradictions which were contended by the learned counsel for the petitioner are not helpful to the petitioner while considering the bail petition. That apart, the petitioner was in conscious possession of the alleged contraband of about 22 kgs of ganja, which is a commercial quantity, that apart, the petitioner failed to fulfil the twin conditions as contemplated under Section 37 of NDPS Act and that apart, this is the second bail petition and there is no change in circumstances. Therefore, this Court is not inclined to grant bail to the petitioner.

5. Accordingly, this criminal original petition is dismissed.

25.08.2022

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