



Crl.OP.No.18487 of 2022

Crl.O.P.No.18487 of 2022

**G.K.ILANTHIRAIYAN, J.**

The petitioner, who was arrested and remanded to judicial custody on 10.01.2022 for the offences punishable under Sections 8(c), 20(b)(ii)(C), 28 & 29 of NDPS Act, in NCB.F.No.48 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 08.01.2022, on secret information the respondent police went the place of occurrence and found that the petitioner and other accused were traveling in two cars and they were in possession of 369 Kg of Ganja. Hence the complaint.

3. The learned counsel appearing for the petitioner submitted that even according to the case of the prosecution, the petitioner was traveling in Maruthi Suzuki Swift car and the contraband was in possession of other accused in the another vehicle viz., Bolero car. He further submitted that the petitioner followed the said vehicle and no recovery was made from the petitioner herein. That apart, the petitioner is under judicial custody from the date of his arrest viz., from 10.01.2022. Therefore, he prayed to grant bail to the petitioner.



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4. The learned Special Public Prosecutor appearing for the respondent submitted that this is the second bail petition and the earlier bail petition filed by the petitioner was dismissed by this Court by an order dated 07.07.2022 in Crl.O.P.No.15096 of 2022. He further submitted that the seized contraband is commercial quantity and Section 37 of the NDPS Act attracts and the petitioner failed to satisfy the conditions as contemplated under Section 37 of NDPS Act. Hence, he vehemently opposed to grant bail to the petitioner.

5. Considering the above facts and circumstances and also considering the fact that there is no change in circumstances, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

30.08.2022

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