



Crl.OP.No.19046 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioner, who was arrested and remanded to judicial custody on 03.09.2020 for the offences punishable under Sections 8(c) 20(b)(ii)(C), 25 & 29(1) of NDPS Act, in crime No.28 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that petitioner along with other accused persons was found in possession of 56 packets of Ganja each weighing 2 Kgs. Hence, the case.

3. There are totally 4 accused, in which the petitioner is arrayed as A1. According to the case of the prosecution, the petitioner along with A2 were in possession of 112 Kgs of Ganja.

4. The learned counsel appearing for the petitioner would submit that even according to the case of the prosecution, the petitioner was sitting inside the cabin of the lorry and the contraband was seized from the rear side of the lorry. Therefore, he is no way connected with the contraband recovered from the petitioner.



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5. On perusal of the seizure mahazar, the petitioner along with A2 were in possession of contraband weighing 112 Kgs. Admittedly, the petitioner along with A2 were traveling in the lorry with possession of contraband weighing 112 Kgs. Now, the charge sheet has been laid. The petitioner is facing trial in Special Case No.2 of 2021 on the file of the Special Court for Trial of NDPS Act Cases, Villupuram. That apart, it is a commercial quantity and the petitioner failed to fulfil the twin conditions as contemplated under Section 37 of NDPS Act.

6. Therefore, this Court is not inclined to grant bail to the petitioner and this Criminal Original Petition is dismissed.

12.08.2022

mpl



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