



Crl.O.P.No.21860 of 2022

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A.D.JAGADISH CHANDIRA, J.

The petitioner, who was arrested and remanded to judicial custody on 10.07.2022 for the offences punishable under Sections 8(c), 20(b),(ii),(C), 25 and 29(1) of NDPS Act in Crime No.35 of 2022 on the file of respondent police, seeks bail.

2. The case of the prosecution is that on specific information, the respondent police had intercepted the lorry bearing Registration No.TN 58 AW 6750 and on search, the petitioner along with the other accused was found to be in possession of 25 kgs of dry Ganja. On seeing the police, the petitioner along with other accused ran away from the scene of occurrence. The accused A1 and A2 were arrested and remanded to judicial custody on 30.06.2022 and thereafter, A4/petitioner herein was arrested and remanded to judicial custody on 10.07.2022. In this case, so far as five witnesses have been enquired and the case is under investigation. A3 is still absconding and the contraband has been recovered. Hence, the case.



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3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case since he happens to be friend of the other accused. He would further submit that the petitioner is ready to abide by any stringent conditions imposed by this Court. Therefore, he prays for grant of bail to the petitioner.

4. Per contra, the learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner along with other accused was found to be in possession of 25 Kgs of Ganja, which is a commercial quantity and the contraband has been recovered from them. He would further submit that the petitioner is a habitual offender and there is one previous case against the petitioner in similar nature. He would further submit that the petitioner has not satisfied with the twin conditions as contemplated under Section 37 of NDPS Act. Therefore, he vehemently opposed to grant bail to the petitioner.



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5. Taking into consideration the facts of the case and the submissions made by the learned counsel, and also taking note of the fact that the recovered contraband is a commercial quantity and there is 1 previous case of similar nature pending against the petitioner, this Court is not inclined to grant bail to the petitioner.

6. Accordingly, this Criminal Original Petition stands dismissed.

19.09.2022

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