



Crl.O.P.No.25195 of 2022

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M.DHANDAPANI, J.

The petitioner who was arrested on 18.07.2020 for the offence under Sections 8(c), 20(b)(ii)(c), 25 and 29(1) of Narcotic Drugs and Psychotropic Substances Act, 1985 in Cr.No.19 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 18.07.2020 at about 7.00 hours, the respondent police based on the secret information received intercepted a TATA 1109 vehicle bearing registration No.TN-02-BQ-4594 AT Madhavaram Roundtana and seized 74 Kgs. of Ganja from A1 to A3. Thereafter based on the confession statement given by them, the respondent police found A4 and A5 waiting in Honda Activa bearing registration No.TN 10 BK 5317 and seized 31 Kgs. of Ganja from them. The petitioner herein is arrayed as A4.

3. The learned counsel appearing for the petitioner submitted that earlier the bail application was dismissed on the ground that the seized quantities are commercial quantities and further he has submitted that the Section 50 NDPS Act Joint notice was issued to all the accused persons,



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contrary to the judgment of the Constitutional Bench, which is not sustainable and further as per the FIR, four bags of ganja were seized from the lorry, however the deposition of PW-1 reveals that 3 bags of ganja was seized from PW-1 and one bag was handed over to the 5th accused by A1 and in view of the contrary statement, the entire prosecution case is false and accordingly prays for bail.

4.The learned Additional Public Prosecutor would submit that the contraband seized was more than the commercial quantity and would further submit that there is a bar under Section 37 of NDPS Act for granting bail and there is no change in circumstances after the previous order was passed on merits. Hence, the learned Government Advocate vehemently opposed to grant bail to the petitioner.

5. As pointed earlier, the issue involved in the case is a disputed question of fact which can be decided only at the time of trial. Since the quantity of the contraband seized is more than the commercial quantity and further in view of the submission made by the learned Additional Public Prosecutor, no change of circumstances arises for considering



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this bail petition . Hence, this Criminal Original petition is dismissed.

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