

Crl. O.P. No.28585 of 2022

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**T.V.THAMILSELVI, J.**

The petitioner/Accused 4 who was arrested and remanded to judicial custody on 22.09.2021 for the alleged offence under Sections 8(c) r/w 20(b)(ii)(c), 25, 29(1) of NDPS Act, 1985 in Crime No.28 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused were alleged to have involved in illegal possession of 50 Kgs of dry Ganja in two bags (each 25 Kgs). Totally 110 Kgs of Ganja were seized from A1 to A6. Hence, this Complaint.

3. The learned counsel for the petitioner would submit that as per the FIR in Crime No.28 of 2021 of the respondent police, the alleged bag of Ganja were recovered from the four wheeler and there was no recovery of alleged Ganja from the petitioner herein and the respondent police have falsely implicated the petitioner in this case from which he has no connection with the car at all. He has no knowledge about what was in the bag which



were alleged to be recovered in the car. Further, he submitted that he has no previous antecedents and he is innocent and falsely implicated in the above case. The petitioner is law abiding citizen and is ready to abide by any condition that may be imposed upon him by this Court.

4. The learned Government Advocate (Crl. Side) raised objection stating that the petitioner was remanded to Judicial Custody on 22.09.2021 and Final Report has been filed before the Trial Court on 01.03.2022 in C.C. No.84 of 2022. As the respondent police filed the final report before 180 days, the petitioner is not entitled to claim bail under provision of Cr.P.C. and NDPS Act. The Trial is going on and witnesses are yet to be examined. If the accused is released on bail at this stage, he will sure abscond and never co-operate for Trial. Hence, he vehemently opposed to grant bail to the petitioner herein.

5. Taking into consideration of the facts and circumstances of the case and grave nature of offence committed by the petitioner herein as well the case is under Trial, this Court is not inclined to grant bail to the petitioner herein. The Trial Court is hereby directed to dispose of the case within a



period of three months from the date of receipt of copy of this order.

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6. Accordingly, this Criminal Original Petition is dismissed.

**30.11.2022**

*Lbm*

**T.V.THAMILSELVI, J.**



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