



CrI.OP.No.4486 of 2023

CrI.O.P.No.4486 of 2023

A.A.NAKKIRAN, J.

The petitioners are the Accused No.1 & 2 in Crime No.93 of 2022 and they were arrested and remanded to judicial custody on 21.08.2022.

2.The case of the prosecution is that on 21.08.2022 at about 12.40 a.m., based on a secret information, the respondent police has intercepted the TATA NAGAR-BANGALORE Train bearing No.12889, wherein, they found accused Nos.1 and 2 were in possession of 23.200 Kgs of ganja leaves, recovered the same and they were arrested.

3.The learned Counsel for the petitioners fairly submits that this is the second bail application. The earlier bail application filed by the petitioners was dismissed by this Court considering the quantity of contraband involved in this case. He further submits that mandatory provisions under Sections 42 and 50 of the NDPS Act, have not been followed and the petitioners are not having any bad antecedent and therefore, by considering the period of incarceration, the bail application



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of the petitioners can be considered.

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4.The learned Government Advocate (CrI.Side) submits that the total quantity of the contraband involved in this case is 23.200 kgs of ganja, which is a commercial quantity. The petitioners / accuseds have purchased 23.200 kgs of ganja from their native place Jharkand for lower price and the same was sold by them in Bangalore for higher price. Further, the respondent police arrested the petitioners 1 and 2/accused No.1 & 2, recorded their confession and also seized the case properties. Further, the prosecution had filed a charge sheet in C.C.No.105 of 2022 before the Special Court for EC/NDPS Act, Salem and there is no change in circumstance and therefore, the petitioners are not entitled for bail.

5.This Court considered the rival submissions and perused the materials placed on record. The petitioners were arrested on 21.08.2022 pursuant to the search conducted in Platform No.3, Katpadi Railway Station and 23.200 Kgs were recovered from them. The available materials shows that 23.200 Kgs of ganja were recovered from A1 and



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A2 during the search. Considering the fact that the seized contraband in this case is commercial quantity and also of the fact that chargesheet has also been filed, this Court is not inclined to grant bail to the petitioners.

6.The petitioners are in jail from 21.08.2022. Considering the period of incarceration, the trial Court shall endeavor to conclude the trial as expeditiously as possible, preferably within a period of six months from the date of receipt of a copy of this order. Accordingly, this criminal original petition stands dismissed. No costs.

28.06.2023

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To

1.The Presiding Officer
The Special Court for EC/NDPS Act
Salem

2.The Inspector of Police
Katpadi Railway Police Station
Vellore District

3.The Public Prosecutor
Madras High Court

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