



Crl.O.P.No.735 of 2023

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G.K.ILANTHIRAIYAN, J.

The petitioner, who was arrested and remanded to judicial custody on 28.12.2021 for the offences punishable under Sections 8(c), 20(b)(ii)(C), 29(1) and 25 of Narcotic Drugs and Psychotropic Substances Act, in Crime No.530 of 2021, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused have transported 300 kgs of Ganja illegally in a lorry. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner has been falsely implicated in this case. The petitioner is suffering incarceration from 28.12.2021. He would further submit that the petitioner is ready to abide by any stringent condition as imposed by this Court. Hence, he prays for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent Police would submit that there are totally 4 accused, in which



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the petitioner is arrayed as A1. He further submitted that the petitioner along with other accused illegally transported 300 Kgs of Ganja. He also submitted that there is no change of circumstances after the previous dismissal order passed by this Court. Now, the investigation has been completed and filed a final report in Spl.C.C.No.96 of 2022, on the file of the Special Court for EC/NDPS Act cases, Salem. Hence, he vehemently opposed to grant bail to the petitioner.

5. It is seen that there are totally four accused, in which the petitioner is arrayed as A1 now. Only on his instructions, A2 to A4 went to Andhra Pradesh and purchased Ganja weighing 300 Kgs. On their confession statement, the petitioner has been implicated as accused. That apart, the petitioner was also in possession of Ganja weighing $\frac{1}{2}$ Kg. There are also other materials to connect the petitioner with other accused persons. Therefore, the petitioner was in conscious possession of Ganja and it is a commercial quantity. Therefore, the petitioner failed to fulfill the twin conditions as contemplated under Section 37 of NDPS Act.

6. Taking into consideration the bad antecedents of the petitioner,



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this Court is not inclined to grant bail to the petitioner.

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7. Accordingly, this Criminal Original Petition is dismissed. The Trial Court is directed to complete the Trial in Spl.C.C.No.96 of 2022, within a period of six months from the date of receipt of a copy of this order.

06.02.2023

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Copy to

The Special Court for EC/NDPS Act cases, Salem.

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