



Crl.O.P.No.679 of 2023

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T.V.THAMILSELVI, J.

The petitioner, who was arrested and remanded to judicial custody on 19.07.2019 for the alleged offence under Sections 8 (c) r/w 20(b)(ii)(c) and 25 & 29(1) of NDPS Act, in C.C.No.11 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 19.07.2019, based on the secret information, the respondent police intercepted the Hyundai Verna Car bearing Registration No.PY-02-K-7997 and found 110 Kgs of Ganja in the car and arrested A2 and A3. The accused persons confessed that, under the instruction of the first accused they have transported the above said Ganja from Andhra Pradesh to Pondicherry. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the respondent seized the contraband from A2 only, further this petitioner/A3 is an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that the petitioner is the only breadwinner



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of his family, a false case has been foisted against him, According to him, the mandatory condition were not complied with by the respondent police. He further submitted that the petitioner is no criminal past and suffering from incarceration from 19.07.2019. Hence, he prayed to grant of bail to the petitioner.

4.The learned Government Advocate (Crl.side) would submit that there was due search and seizure of contraband from the unlawful possession of the accused and that the seized quantity 110 kgs of Ganja, which is of commercial quantity, and hence, if the accused is released on bail he will either abscond or commit similar offence and that there is every possibility of him interfering with further investigation in the case. Hence, he vehemently opposed to grant bail to the petitioner.

5. Considering the facts that the quantity seized, 110 kgs of Ganja, from the accused is commercial quantity and the trial is not completed, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed. However, the trial court is directed to



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complete the trial and dispose the case within a period of three months from the date of receipt of a copy of this order.

11.01.2023

VSN



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