



Crl.OP.No.1497 of 2023

Crl.O.P.No.1497 of 2023

G.K.ILANTHIRAIYAN, J.

The petitioner, who was arrested and remanded to judicial custody on 23.07.2021 for the offences punishable under Sections 8(c), 20(b)(ii)(C), 25, 29 (1) of NDPS Act in CC.No.41 of 2022 on the file of the II Additional Special Court for NDPS Cases in respect of Crime No.1402 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 found in possession of 120 Kgs of Ganja. Hence, a case was registered as against the petitioner.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the other accused persons were granted bail. Further, the petitioner was arrested and remanded to judicial custody on 23.07.2021. He also submitted that the charge sheet has been laid and the petitioner is facing the prosecution. Hence, he prays for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that the petitioner along with other accused were in conscious possession of 120 Kgs of Ganja. This is the fifth bail petition filed by the petitioner. Earlier petitions filed by the petitioner were dismissed by this Court. Hence, he vehemently opposed grant of bail to the petitioner.



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5. There are totally 7 accused, in which the petitioner is arrayed as A6. The petitioner and A7 were in possession of 120 Kgs of Ganja. Therefore, it is a commercial quantity and the petitioner failed to satisfy the twin conditions as contemplated under Section 37 of the NDPS Act. Though this is the fifth bail petition, there is no change of circumstances in this case. Hence, this Court is not inclined to grant bail to the petitioner and this Criminal Original Petition is dismissed. The Trial Court is directed to complete the trial, within a period of six months from the date of receipt of a copy of this order.

06.02.2023

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The II Additional Special Court for NDPS Cases, Chennai.



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