



Crl.OP.No.2200 of 2023

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G.K.ILANTHIRAIYAN, J.

The petitioner, who was arrested at the hands of the respondent Police and remanded to judicial custody on 22.01.2020 for the offences punishable under Sections **9A, 22(c) and 29(1) of NDPS Act** and the same was altered to Sections **22(c), 29(1) and 8 (c) of NDPS Act**, in Crime No.03 of 2020, seeks bail.

2. The case of the prosecution is that, the petitioner along with other accused were found in possession of 65 grams of Methamphetamine. 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. The petitioner was in individual possession of 5 grams, even according to the case of the prosecution. As per the notification issued by the Central Government, the small and commercial quantity of Methamphetamine is 2 grams and 50 grams, respectively. Therefore, the petitioner was in possession of in-between quantity and there is no bar for granting bail to petitioner. Further, the petitioner was arrested and remanded to judicial custody on 22.01.2020. He also submitted that the charge sheet has been laid and the petitioner is facing the prosecution in C.C.No.82 of 2020. 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 65 grams



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of Methamphetamine. This is the third bail petition filed by the petitioner. Earlier petitions filed by the petitioner were dismissed by this Court. He would further submit that the charge sheet has been laid and the same has been taken cognizance by the Trial Court. Now, the entire witnesses were examined and posted for questioning. Hence, he vehemently opposed grant of bail to the petitioner.

5. It is seen that there are totally 2 accused in which the petitioner is arrayed as A2. The petitioner along with other accused were found in possession of 65 grams of Methamphetamine and it is a commercial quantity.

6. Therefore, the petitioner failed to satisfy the twin conditions as contemplated under Section 37 of NDPS Act and there is no change of circumstances after the previous dismissal orders passed by this Court. Hence, this Court is not inclined to grant bail to the petitioner. However, the Trial Court is directed to complete the trial in C.C.No.82 of 2020, within a period of four weeks from the date of receipt of a copy of this order.

7. Accordingly, this Criminal Original Petition is dismissed.

06.02.2023

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The I Additional Special Judge under NDPS Act, Chennai.



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