



Crl.OP.No.2892 of 2023

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G.K.ILANTHIRAIYAN, J.

The petitioner, who was arrested and remanded to judicial custody on 01.02.2022 for the offences punishable under Sections 8(c) r/w 20 (b)(ii)(c), 25 & 29(1) of Narcotic Drugs and Psychotropic Substances Act, 1985 in Crime No.4 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 01.02.2022, based on the secrete information, the respondent conducted a vehicle check up and found that the petitioner and another were in illegal possession of 11 packets of dry ganja which contains each 2 kg, totally 22 Kg of ganja. Hence the complaint.

3. The learned counsel for the petitioner submitted that there are totally two accused in which the petitioner is arrayed as A2. He further submitted that false case has been foisted as against the petitioner and he has not committed any offence as alleged by the prosecution. Being friend of the other accused, he has been falsely implicated in the present case. Even according to the case of the prosecution 11 packets each containing 2 kg. However the respondent failed to weigh the contraband. He further submitted that the petitioner was arrested and remanded to judicial custody on



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01.02.2022 and incarcerated for the past one year. Hence, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that this is the fourth bail application filed by the petitioner and this Court already dismissed the earlier bail petition on three occasions. He further submitted that after completing investigation, the respondent filed charge sheet and the same has been taken on file in C.C.No.119 of 2022 on the file of the II Additional Special Judge, NDPS Act, Chennai. Now the trial has commenced and the prosecution has to examine seven witnesses on the next hearing date ie., on 16.02.2023. Hence, he vehemently opposed to grant bail to the petitioner.

5. There are two accused in which the petitioner is arrayed as A2. A1 & A2 were in conscious possession of 22 kgs of Ganja and it is a commercial quantity. Now the case is charge sheeted and the trial has begun. There are materials to attract the offence as against the petitioner herein and the petitioner failed to satisfied the twin conditions under Section 37 of the NDPS Act. Further, this Court already dismissed the earlier bail petition filed by the petitioner and there is no change in circumstances.



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6. Taking consideration of the above facts and circumstances of the case, this Court is not inclined to grant bail to the petitioner. However, the trial Court is directed to complete the trial and pass orders on merits and in accordance with law, within a period of six months from the date of receipt of a copy of this Order.

7. Accordingly, this Criminal Original Petition is dismissed.

13.02.2023

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