



CrI.O.P.No.3151 of 2023

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T.V.THAMILSELVI,J.

The petitioner, who was arrested and remanded to judicial custody on 20.07.2022 for the alleged offences punishable under Sections 272, 273, 328 of IPC, Sections 6 and 24(1) of Cigarette and other Tobacco Products Act 2003 and Section 8(c) r/w Section 20(b)(ii)(C) and Section 25 of NDPS Act, 1985 in Crime No.313 of 2022, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused was found in illegal possession of 46.5 kgs of Ganja mittai and 212.477 kgs of Gutka. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that there is no previous case pending against him and the petitioner is in custody from



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20.07.2022. He would also submit that the petitioner is prepared to comply with any stringent condition that may be imposed by this Court and he prays for grant of bail to the petitioner.

4. The respondent has filed a detained counter.

5. The Government Advocate (Crl.Side) appearing for the respondent police would submit that the petitioner along with other accused were found in illegal possession of 46.5 kgs of Ganja mittai and 212.477 kgs of Gutka, which is a commercial quantity. He would further submit that the contraband has been recovered only from this petitioner. He also submits that this is the second bail application and the co-accused is still absconding. Hence, he vehemently opposed to grant bail to the petitioner.

6. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record.



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7. Taking into consideration the facts and circumstances of the case and also taking note of the quantity of the contraband which is a commercial quantity and that the petitioner has not satisfied the conditions under Section 37 of NDPS Act and there is no change of circumstances to release the petitioner on bail, this Court is not inclined to grant bail to the petitioner.

8. Considering the facts and circumstance of the case, this Court directs the trial Court to dispose of the case within a period of three months from the date of receipt of a copy of this order. Accordingly, this Criminal Original Petition stands dismissed.

13.02.2023

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Copy to:

The Additional District Judge/Presiding Officer,
Special Court for Essential Commodities Act Cases,
Coimbatore.



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