



Crl.O.P.No.3856 of 2023

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A.D.JAGADISH CHANDIRA,J.

The petitioner, who was arrested and remanded to judicial custody on 10.01.2022 for the offences punishable under Sections 8(c), 20(b)(ii)(C), 28 & 29 of NDPS Act, 1985 in N.C.B.F.No.48/1/01/2022-NCB/MDS, on the file of the Narcotics Control Bureau, Chennai Zonal Unit, seeks bail

2. The case of the prosecution is that on 08.01.2022, based on the secret information, the respondent and his team conducted a search near Nallur Toll Plaza, Chennai, during which, they found that the accused were illegally transporting 369 kilograms of Ganja in their Bolero vehicle bearing registration No.TN-72-AV-4700 and it was escorted by Maruti Suzuki Swift bearing registration No.TN-10-AL-1816. Hence the case.

3. Learned counsel appearing for the petitioner submitted that this is the second application for bail and the earlier, bail application filed by the petitioner was dismissed by this Court in Crl.O.P.No.22524 of 2022 vide order dated 17.10.2022. He further submitted that now, the charge sheet has



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been filed and the case has also been taken up in C.C.No.524 of 2022 pending on the file of the learned I Additional NDPS Court, Chennai, therefore, he prayed for grant of bail to the petitioner.

4. Learned Special Public Prosecutor for NCB cases appearing for the respondent submitted that it is a case, where the petitioner (A1) along with other accused was found to be in illegal possession of 369 Kilograms of Ganja in their car. He also submitted that the charge sheet has been filed and the case has also been taken up on the file of the I Additional NDPS Court, Chennai, in C.C.No.524 of 2022. He further submitted this Court, taking into consideration the entire facts and the materials available on record, had dismissed the earlier bail application filed by the petitioner, stating that the petitioner has not satisfied the twin conditions required under Section 37 of the NDPS Act and there is no change of circumstances. He further submitted that this Court, while dismissing the application for bail filed by the co-accused (A2) in Crl.O.P.No.3892 of 2023 dated 08.03.2023, has issued a direction to complete the trial within a period of six months from the date of receipt of a copy of that order. Therefore, he opposed for grant of bail to the petitioner.



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5. Heard the learned counsel for the petitioner and the learned Special Public Prosecutor for NCB cases and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned Special Public Prosecutor, this Court is of the opinion that the petitioner has not satisfied the twin conditions required under Section 37 of NDPS Act and further, there is no change of circumstances, therefore, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, the Criminal Original Petition stands dismissed. However, the learned trial Judge is directed to strictly comply with the order passed by this Court in Crl.O.P.No.3892 of 2023 dated 08.03.2023.

16.03.2023

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