



WEB COPY



Crl.O.P.No.4473 of 2023

Crl.O.P.No.4473 of 2023

A.D.JAGADISH CHANDIRA,J.

The petitioner who was arrested and remanded to judicial custody on 15.11.2021 for the offences punishable under **Sections 8(c), 20(b)(ii)(C), 29(1) and 25 of the Narcotic Drugs and Psychotropic Substances Act, in Crime No.856 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 was found in illegal possession of 25 Kgs. of Ganja. Hence, the case.

3. The learned counsel 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 was no recovery from the petitioner and the alleged contraband was recovered only from A1. He would submit that the charge sheet has already been filed and the trial has also commenced and that L.W.1 was already examined as P.W.1. He would further submit that this is the 3rd application for bail and that the petitioner has been suffering



Crl.O.P.No.4473 of 2023

incarceration for more than one year from 15.11.2021. Hence, he would seek for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that there are totally three accused in this case and the petitioner is arrayed as A3. The petitioner along with other accused was found in conscious possession of 25 Kgs. Of Ganja which is a commercial quantity. He would further submit that the petitioner had earlier filed two applications for bail in Crl.O.P.Nos.12316 of 2022 and Crl.O.P.No.31397 of 2022 and this Court, on finding that the petitioner had failed to satisfy the twin conditions as contemplated under Section 37 of NDPS Act and also on finding that there was no change of circumstances, dismissed the applications by orders dated 08.06.2022 and 09.01.2023. Even as on date, there is no change of circumstances and thereby, he would seek for the dismissal of the bail petition.

5. Taking into consideration the nature of offence and the submissions made by the learned Additional Public Prosecutor that the



Crl.O.P.No.4473 of 2023

petitioner failed to satisfy the twin conditions as contemplated under Section 37 of NDPS Act and there is no change of circumstances, this Court is not inclined to grant bail to the petitioner.

6. Accordingly, this Criminal Original Petition is dismissed.

17.03.2023

ksa-2



WEB COPY



Crl.O.P.No.4473 of 2023

A.D.JAGADISH CHANDIRA,J.

ksa-2

Crl.O.P.No.4473 of 2023

17.03.2023