



Crl.O.P.No.3646 of 2023

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T.V.THAMILSELVI,J.

The petitioner, who was arrested and remanded to judicial custody on 17.10.2022 for the offences punishable under Sections 8(c) r/w 20(b)(ii)(C) of Narcotic Drugs and Psychotropic Act, 1985, in Crime No.35 of 2022 on file of the respondent police, seeks bail.

2. The case of the prosecution is that on 17.10.2022, on receipt of the secret information, the respondent and his team went to the scene of occurrence and intercepted the accused and found that he was in illegal possession of 22 kilograms of Ganja, which is a commercial quantity. The respondent arrested the accused and seized the contraband under cover of seizure mahazar. Hence the case.

3. Learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the respondent Police has not followed any mandatory provisions of this case. He also stated that the contraband recovered from the



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petitioner would come only below 20 kilograms, which does not come under commercial quantity, whereas, the respondent police have weighed the contraband along with the gunny bags which results in the commercial quantity. He further submitted that the petitioner is in custody from 17.10.2022 and he is ready to abide by any stringent conditions that may be imposed by this Court. Therefore, he prays for grant of bail to the petitioner.

4. The respondent Police has filed a detailed counter.

5. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner was found to be in illegal possession of 22 kilograms of Ganja, which is a commercial quantity. He further submitted that one previous case of similar nature in Crime No.32 of 2019 is pending as against the petitioner, which has also been taken up on the file of the learned Principal Special Judge, Special Court for EC & NDPS Act Cases, Chennai in C.C.No.184 of 2019. He also submitted that investigation in this case is almost completed and awaiting for the lab report. Hence, he vehemently opposed to grant bail to the petitioner.



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

7. Taking into consideration the facts and circumstances of the case, the submissions made by the learned Government Advocate (Crl.Side) and also considering the fact that the alleged contraband is a commercial quantity, this Court is not inclined to grant bail to the petitioner.

8. Accordingly, this Criminal Original Petition stands dismissed. However, the respondent Police is directed to complete the investigation in Crime No.35 of 2022 and file the final report within a period of one month from the date of receipt of a copy of this order. Further, the learned trial Judge is directed to complete the trial in both the cases as expeditiously as possible, preferably, within a period of three months thereafter.

16.02.2023

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