



Crl.O.P.No.5137 of 2023

Crl.O.P.No.5137 of 2023

WEB COPY

A.D.JAGADISH CHANDIRA,J.

The petitioner, who was arrested and remanded to judicial custody on 28.12.2021, for the alleged offences punishable under Sections 8(c), 20(b)(ii)(C), 29(1) and 25 of NDPS Act, in Crime No.530 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 have transported 300 kgs of Ganja illegally in a lorry. Hence the complaint.

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 petitioner is suffering from heart ailment and taking treatment in the jail hospital and he is ready to abide by any stringent condition that may be imposed by this Court. He also submitted that the petitioner is in judicial custody from 28.12.2021 and hence, he prays for grant of bail to the petitioner.



Crl.O.P.No.5137 of 2023

WEB COPY

4. Per contra, the learned Additional Public Prosecutor appearing for the respondent police opposed for grant of bail to the petitioner stating that it is a case where the petitioner along with other accused has illegally transported 300 kgs of Ganja in a lorry. He further submitted that the petitioner, earlier applied for bail in Crl.O.P.No.735 of 2023 before this Court and this Court on finding that the petitioner had failed to fulfill the twin conditions as contemplated under Section 37 of NDPS Act, since the seized contraband is a commercial quantity, had dismissed the bail petition. He further submitted that there is no sufficient material to prove the medical ailment suffered by the petitioner. He further submitted that the petitioner is a habitual offender, against whom, there are two previous cases, similar in nature pending. He also submitted that the case now stands posted for questioning of the accused on 17.03.2023.

5. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent and perused the entire materials available on record.



Crl.O.P.No.5137 of 2023

WEB COPY

6. Taking into consideration the facts and circumstances of the case, this Court, after finding that the petitioner had not satisfied the twin conditions as contemplated under Section 37 of NDPS Act, had dismissed the previous bail petition. Now, after hearing the learned counsel for the parties, this Court is of the view that there is no change of circumstances for granting bail to the petitioner, therefore, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, the Criminal Original Petition stands dismissed.

15.03.2023

vkr



WEB COPY



Crl.O.P.No.5137 of 2023

A.D.JAGADISH CHANDIRA,J.

vk

Crl.O.P.No.5137 of 2023

15.03.2023