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Crl.O.P.No.4306 of 2023

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T.V.THAMILSELVI,J.

The petitioners, who were arrested and remanded to judicial custody on 17.12.2022(first petitioner) and 22.12.2022 (second petitioner) for the alleged offences punishable under Sections 8(c) read with Section 20 (b) (ii) (C), 25 and 29(1) of NDPS Act, 1985 in Crime No.63 of 2022, seeks bail.

2. The case of the prosecution is that on 16.12.2022 based on the secret information the respondent police conducted search and found the 1st petitioner with illegal possession of 64kg of ganja and the 2nd petitioner was found in illegal possession of 2.2.kg of ganja. Hence, the case.

3. The learned Counsel for the petitioners would submit that the petitioners are innocent person and they have not committed any offence as alleged by the prosecution and they have been falsely



Crl.O.P.No.4306 of 2023

WEB COPY

implicated in this case. He would further submit that they are ready to abide by any condition that may be imposed by this Court. He would also submit that the 1st and 2nd petitioners have been suffering incarceration from 17.12.2022 and 22.12.2022. Hence, he prayed to grant bail to the petitioners.

4. The learned Government Advocate (Crl.side) for the respondent police would submit that 64 kg of ganja has been recovered from the 1st petitioner/A1 which is of commercial quantity and 2.2kg of ganja has been recovered from the 2nd petitioner/A2 which is of in between quantity. He would further submit that there are previous cases as against the 2nd petitioner/A2. He would further submit that if the petitioners are released on bail, they will hamper the investigation and tamper the evidence. Hence, he vehemently opposed for grant of bail to the petitioners.

5.Considering the facts and circumstances of the case and also



Crl.O.P.No.4306 of 2023

WEB COPY

considering the fact that the contraband involved is a commercial quantity as far as 1st petitioner is concerned, and also considering the bad antecedent of the 2nd petitioner, this Court is not inclined to grant bail to the petitioners. Hence, this Criminal Original Petition stands dismissed.

27.02.2023

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WEB COPY



Crl.O.P.No.4306 of 2023

Crl.O.P.No.4306 of 2023

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