



CrI.O.P.No. 8817 of 2023

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**G.K.ILANTHIRAIYAN, J.**

The petitioner, who was arrested and remanded to judicial custody on 01.02.2022 for the alleged offence under Section 8(c) r/w 20(b)(ii)(C), 25, 29(1) of NDPS Act in Crime No.4 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 01.02.2022 based on the secret information, the respondent police conducted a vehicle check-up and found that the petitioner along with other accused were in illegal possession of 11 packets of dry ganja, which contains 2 kgs., totally 22 kgs. of ganja and seized the same. Hence, the complaint.

3. The learned counsel for the petitioner submitted that there are totally two accused, in which the petitioner is arrayed as A2. He would further submit that a false case was foisted against him and he has not committed any offence as alleged by the prosecution. He would also submit that being friend of other accused, he was implicated as accused in this



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case. He would submit that even according to the prosecution, 11 packets each containing 2 kgs., however, the respondent police failed to weigh the contraband. He would submit that investigation is almost completed and that the petitioner has been suffering incarceration for more than one year from 01.02.2022. Hence, he prayed to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for respondent would submit that this is the fifth petition seeking for bail by he petitioner and now after completion of investigation, the respondent filed a charge sheet, which was taken on file in C.C.No.119 of 2022 on the file of II Addl. Special Judge, NDPS Act, Chennai. Now, the trial was commenced and the prosecution has to examine some more witnesses. Hence, he vehemently opposed to grant bail to the petitioner.

5. It is seen that there are two accused, in which the petitioner is arrayed as A2. A1 and A2 were in conscious possession of 22 kgs. of ganja and it is a commercial quantity. Now, the case is charge sheeted and trial was also begun. Considering the facts and circumstances of the case and the



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submissions made by both counsel and also the fact that there are materials to attract the offence as against the petitioner and he has failed to satisfy the twin conditions as contemplated under Sec.37 of NDPS Act and the fact that there is no change of circumstances, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed. However, since the petitioner is in custody from 01.02.2022, the trial court is directed to complete the trial and dispose the case on merits and in accordance with law within a period of six months from the date of receipt of copy of this order.

**04.05.2023**

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