



Crl.O.P.No.4871 of 2023

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A.D.JAGADISH CHANDIRA.,J.

The petitioner, who was arrested and remanded to judicial custody on 03.01.2022, for the offences punishable under Sections 8(c) r/w. 20(b)(ii)(c), 29(1) of the Narcotics Drugs and Psychotropic Substances Act in Crime No.9 of 2022, 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 to be in possession of 96 kgs of Ganja and from her possession 24 kgs of Ganja has been recovered, which is a commercial quantity. Hence the case.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and she has been falsely implicated in this case. He would submit that the petitioner is in judicial custody from 03.01.2022, hence, he prays to grant bail to the petitioner.



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4.The respondent has filed a detailed counter the relevant paragraphs are extracted here under:

"5.It is submitted that based on the A1 confession statement, on 04.01.2022, the then Inspector of Police arrested the accused persons A2 to A4 and obtained the confession from them and seized the 70 kgs of Ganja from the accused persons (A2 to A4) and then the arrested accused persons along with seized materials were produced before the XV Metropolitan Magistrate, George Town and remanded to judicial custody.

6. It is submitted that the specific overtact of the accused is as follows:-

S.No.	Accused	Contraband seized	Commercial/ Non-Commercial	NDPS Schedule No	Chemical Report
1	A1/mangaraju	Ganja-26 kgs	Commercial	55	Obtained on 10.02.2020
2	A2/Sarankumar	Ganja-22 kgs	Commercial	55	Obtained on 10.02.2020
3	A3/Lakshmi	Ganja-24 kgs	Commercial	55	Obtained on 10.02.2020
4	A4/Kavitha	Ganja-24 kgs	Commercial	55	Obtained on 10.02.2020

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5. The learned Government Advocate (Crl.Side) would submit that this is a case where the petitioner along with other three accused was found in possession of 96 kgs of Ganja, from the custody of the petitioner 24 kgs of ganja was recovered which is a commercial quantity. He would submit that the petitioner is a habitual offender, against her, there are two previous cases registered by M5 Ennore Police Station in Crime No.428 of 2018 under section 8(C)20(b)II(c) NDPS Act and M6 Manali Police Station in Crime No.325 of 2019 under sections (8C) 20(b) II (B) NDPS Act. He would submit that the petitioner has failed to satisfy the condition required under section 37 of NDPS for grant of bail. He would further submit that the petitioner being habitual offender, if she granted bail, she would once again involved in offences of similar nature. Hence, he opposed for grant of bail to the petitioner.

6. Heard the learned Counsel for the petitioner and the learned Government Advocate(Crl.Side) and perused the materials available on record including the First Information Report.



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7. Taking into consideration the above facts and circumstances of the case and the submissions made by either side of the parties, this Court is of the opinion that the petitioner has not satisfied the condition required under section 37 of the NDPS Act for grant of bail. Further, the petitioner has also involved in two previous cases of similar nature. Hence, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

24.03.2023

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