



Crl.O.P.No.5886 of 2023

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A.D.JAGADISH CHANDIRA.,J.

The petitioner, who was arrested and remanded to judicial custody on 22.07.2022, for the offences punishable under Sections 8(c) r/w. 20(b)(ii)(c), 29(1) of the Narcotics Drugs and Psychotropic Substances Act, 1985 in Crime No.387 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner along with three other accused was found to be in possession of 27 kgs of Ganja and from him possession 26 ¼ 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 A2 and A3 have been granted bail by this Court in Crl.O.P.No.1863 of 2023. He would further submit that the petitioner is in judicial custody from 22.07.2022, hence, he prays to grant bail to the petitioner.



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4.The respondent has filed a detailed counter.

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 27 kgs of Ganja, from the custody of the petitioner 26 ¼ kgs of ganja was recovered, which is a commercial quantity. He would submit that the petitioner was found to be in conscious possession of the same, apart from that, the petitioner has got three previous cases registered for the offence under NDPS Act and they are all pending. He would further submit that the petitioner is a habitual offender and as far as other accused are concerned, this Court finding that the recovery was not from them, had granted bail, whereas, this petitioner was found in conscious possession of the commercial quantity. 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 was arrested with commercial quantity of contraband and he has also involved in three previous cases of similar nature. Hence, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

29.03.2023

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