



WEB COPY



Crl.O.P.No.6221 of 2023

**Crl.O.P.No.6221 of 2023**

**A.D.JAGADISH CHANDIRA,J.**

The petitioner, who was arrested and remanded to judicial custody on 05.07.2021, for the offences punishable under Sections 8(c) r/w 20(b)(ii)(c), 25 & 29(1) of Narcotic Drugs and Psychotropic Substances Act, 1985, in Crime.No.29 of 2021, on the file of the respondent, seeks bail

2. The case of the prosecution is that on 05.07.2021, the accused were illegally transporting 48 Kilograms of Ganja in their Maruthi Suzuki Car bearing registration No.TN-78-A-1929. The respondent has seized the contraband and arrested the accused. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that this is the fifth application for bail filed by the petitioner before this Court and this Court, had dismissed the earlier bail



Crl.O.P.No.6221 of 2023

applications filed by the petitioner in Crl.O.P.Nos.2253, 6312, 13937 & 15214 of 2022 vide orders dated 18.02.2022, 22.03.2022, 16.06.2022 & 01.07.2022 respectively. He further submitted that the petitioner is no way connected with the alleged offence and also submitted that the contraband was only recovered from other accused. He also submitted that the petitioner is in custody from 05.07.2021 and he is ready to abide by any stringent conditions that may imposed by this Court, therefore, he prayed for grant of bail to the petitioner.

4. Learned Additional Public Prosecutor appearing for the respondent submitted that this is the fifth application for bail filed by the petitioner. He further submitted that it is the case, where, the petitioner along with two other accused were in conscious possession of 48 Kilograms of Ganja and this Court, taking into consideration the fact that the petitioner has failed to satisfy the twin conditions as contemplated under Section 37 of NDPS Act had dismissed the earlier four bail applications of the petitioner and there is no change of circumstances. He further submitted that the case has been taken up for trial in C.C.No.98 of 2021 and now the case stands posted on 28.03.2023



CrI.O.P.No.6221 of 2023

for examination of LW1. Hence, he opposed for grant of bail to the petitioner.

5. Heard the learned Counsel for the Petitioner and the learned Additional Public Prosecutor and perused the materials available on record.

6. 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 view that this Court, on finding that the petitioner has not satisfied the twin conditions as contemplated under Section 37 of NDPS Act, had dismissed the earlier applications for bail filed by the petitioner and there is no change of circumstances. Therefore, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, the Criminal Original Petition stands dismissed.

**17.03.2023**

ham

**A.D.JAGADISH CHANDIRA,J.**



WEB COPY



Crl.O.P.No.6221 of 2023

*ham*

**Crl.O.P.No.6221 of 2023**

**17.03.2023**