



Crl.O.P.No.6029 of 2023

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A.D.JAGADISH CHANDIRA,J.

The petitioner, who was surrendered and remanded to judicial custody, for the alleged offences punishable under Sections 8(c) r/w 20(b)(ii)(B), 22(c), 25 & 29(1) of Narcotic Drugs and Psychotropic Substances Act, 1985, and Sections 147, 148 of IPC, in C.C.No.38 of 2022, pending on the file of the learned Special Judge, I Additional Special Court for exclusive trial of cases under NDPS Act, in connection with Crime No.1212 of 2021, on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that on 19.07.2021, on receipt of the secret information, the respondent and his team conducted a check up, during which, they found that the accused 1 & 2 were in illegal possession of 1.500 Kilograms of Ganja and 4 Carton boxes of Nitrovet tablets (totally 1125 tablets weighing 876 grams) and the other accused were escaped from the spot after seeing the police. Hence the case.



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3. Learned Counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner has been implicated in this case only based on the confession statement recorded from the main accused. He further submitted that the petitioner is prepared to abide by any stringent conditions that may be imposed by this Court. Hence, he prays for grant of bail to the petitioner.

4. The Respondent Police has filed a detailed counter.

5. Learned Additional Public Prosecutor appearing for the respondent police submitted that the petitioner has earlier approached this Court, seeking for bail in Crl.O.P.No.16717 of 2022 and this Court, while dismissing the petition on 12.08.2022, had held that the petitioner has not satisfied the twin conditions required under Section 37 of NDPS Act for grant of bail and this Court has also directed the trial Court to complete the trial within a period of 6 months from the date of receipt of a copy of that order.



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He further submitted that this is the fifth bail application of the petitioner and he also submitted that the case now stands posted on 17.03.2023 for examination of LW1 to LW3 and there is no change of circumstances. He further submitted that the respondent will be able to comply with the condition passed by this Court in Crl.O.P.No.16717 of 2022. Hence, he vehemently opposed for grant of bail to the petitioner.

6. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the entire materials available on record.

7. This Court, taking into consideration the entire facts and circumstances of the case, by an order dated 12.08.2022 in Crl.O.P.No.16717 of 2022, has held that the petitioner has not satisfied the twin conditions required under Section 37 of NDPS Act had dismissed the bail and there is no change of circumstances, Therefore, this Court is not inclined to grant bail to the petitioner.



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8. Accordingly, the Criminal Original Petition stands dismissed.
However, the learned trial Judge is directed to strictly comply with the order passed by this Court in Crl.O.P.No.16717 of 2022 dated 12.08.2022.

16.03.2023

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