



Crl.O.P.No.6876 of 2023

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A.D.JAGADISH CHANDIRA.,J.

The petitioner, who was arrested and remanded to judicial custody on 07.06.2022 for the offence punishable under Sections 8(c), 20(b)(ii)(C), 25 and 29(1) of NDPS Act, in C.C.No.167 of 2022 on the file of the Additional District Judge/ Presiding Officer, Special Court for Essential Commodities Act cases, Coimbatore, seeks bail.

2. The case of the prosecution is that on receiving a secret information, the respondent Police along with his team went to the scene of occurrence and they found that the accused were in illegal possession of 21 kgs of Ganja. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner, who is arrayed as A1, is an innocent person and he has been falsely implicated in this case. He would further submit that even as per the prosecution, the petitioner was found to be in possession of 11 kgs. He would further submit that the petitioner is in judicial custody from 07.06.2022 for the past 280 days. He would also submit that earlier the



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petitioner has been detained under Act 14 and the detention order has also been set aside by this Court. Hence, he prays for grant of bail to the petitioner.

4.The respondent has filed a detailed counter.

5.The learned Government Advocate (crl.side) for the respondent would submit that the petitioner along with other accused was found to be in illegal possession of 21 kgs of Ganja. He would further submit that this is the third application for bail and earlier this Court while dismissing the bail application on 13.07.2022 in Crl.O.P.No.16189 of 2022, has held that the petitioner along with another accused person was found to be in conscious possession of 21 kgs of Ganja, which is a commercial quantity. Further, this Court has also held that the petitioner has failed to satisfy the twin conditions under Section 37 of the NDPS Act for grant of bail. He would further submit that there is no change of circumstances after dismissal of the earlier applications. When especially, this Court found that the petitioner has not satisfied the twin conditions under Section 37 of the NDPS Act. He would further submit that there are totally 8 witnesses in this case and the case has been taken up for trial before the learned Special Judge for EC and NDPS



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Act cases, Coimbatore in C.C.No.167 of 2022 and the case now stands posted to 30.03.2023 for fixing date for trial. Hence, he opposed for grant of bail to the petitioner.

6.Heard the learned counsel for the petitioner as well as the learned Government Advocate and perused the entire materials available on record.

7. Taking into consideration the facts and circumstances of the case and also the submissions made by either side, this Court has earlier dismissed the bail petition stating that the petitioner has not satisfied the twin conditions under Section 37 of the NDPS Act, this Court is not inclined to grant bail to the petitioner.

8.However, the learned Special Judge for EC and NDPS Act cases, Coimbatore is directed to complete the trial as expeditiously as possible, preferably, within a period of four months from 30.03.2023.

9. With the above direction, this Criminal Original Petition is dismissed.



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