



Crl.O.P.No.6702 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioner who was arrested and remanded to judicial custody on 05.02.2022 for the offences under Sections under Sections 8(c) read with 20(b)(ii)(C) of Narcotic Drugs and Psychotropic Substance Act, 1985 in Crime No.38 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 05.02.2022, based on a secret information, the Inspector of Police attached to the respondent police station, along with his police party, intercepted the petitioner and on search, he was found in possession of 21 kgs. of Ganja. Thereafter, he was arrested and his confession statement was recorded which revealed that he had purchased the above contraband from Odisha State and was trying to sell the same in Tamil Nadu for his personal gain. Hence, the case.



3. The learned counsel for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that there is a violation of Section 42, 50 and 57 of NDPS Act and that the respondent police has not followed the procedures at the time of arresting the petitioner. He further submitted that the petitioner has been suffering incarceration for more than one year from 05.02.2022. Hence, he prayed for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police vehemently opposed for grant of bail to the petitioner stating that the petitioner who is a resident of Odisha, was found in possession of 21 kgs of Ganja which is a commercial quantity and the petitioner has not satisfied the twin conditions required under Section 37 of NDPS Act for grant of bail. He further submitted that all the points raised by the petitioner with regard to violation of mandatory procedures, are matter for trial as they can be decided only at the time of trial.

5. The respondent police has filed a detailed counter. As per the



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counter, 21 kgs of Ganja which is a commercial quantity is stated to have been recovered from the petitioner.

6. It is seen that the petitioner has been arrested with 21 kgs of Ganja which is a commercial quantity and now the case has been taken on file in C.C.No.52 of 2022 on the file of the Additional District and Special Court for trial of Cases under NDPS Act, Coimbatore. All the points raised by the learned counsel for the petitioner with regard to violation of mandatory provision, are matter of trial which can be raised only before the trial Court at the relevant point of time. Further, in the opinion of this Court, the petitioner has not satisfied the twin conditions required under Section 37 of NDPS Act. Hence, this Court is not inclined to grant bail to the petitioner.

7. However, a direction is issued to the trial Court to complete the trial as expeditiously as possible preferably within a period of six months from the date of receipt of a copy of this order.



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

26.04.2023

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