



Crl.O.P.No.7448 of 2023

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A.D.JAGADISH CHANDIRA.,J.

(This case has been heard through Video Conferencing)

The petitioner, who was arrested and remanded to judicial custody on 25.01.2023 for the offences punishable under Sections 8(c), 20(b)(ii)(c), 25 and 29(1) of NDPS Act, in Crime No.13 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 25.01.2023, at about 07.45 hours, on receipt of a secret information about the illegal transport of Narcotic Substance, the Inspector of Police along with his team, intercepted the vehicle of the accused bearing Registration No.TN 04 UC 1733 near Stanley Roundana, in which, they found that the accused were illegally transporting 44 kgs of Ganja. Hence the case.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and a false complaint has been registered against him, as if, he has transported 44 kgs of Ganja. He further submitted that the petitioner is ready to abide by any stringent condition that may be



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imposed by this Court and he is in judicial custody from 25.01.2023. Hence, he prayed for grant of bail to the petitioner.

4.The respondent has filed a detailed counter.

5.The learned Government Advocate (crl.side) appearing for the respondent Police submitted that the petitioner, who is the owner of the vehicle, A2 and A3 colluded with each other and had purchased 44 kgs of Ganja from Visagapattinam, Andhra Pradesh, to sell the same to the persons in Koyambedu. He further submitted that the lorry was intercepted and the contraband was recovered from the conscious possession of the petitioner and other accused. He also submitted that the investigation is in the nascent stage and the petitioner has also not satisfied the twin conditions required under Section 37 of the NDPS Act. 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.



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7. Taking into consideration the facts and circumstances of the case and the submissions made by the learned Government Advocate, this Court is of the view that the seized contraband is a commercial quantity and it is alleged to be recovered from the possession of the petitioner, In the opinion of this Court, the petitioner has not satisfied the twin conditions required under Section 37 of NDPS Act. Therefore, this Court is not inclined to grant bail to the petitioner.

8. Accordingly, this Criminal Original Petition is dismissed.

10.04.2023

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