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Crl.O.P.No.6953 of 2023

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A. D. JAGADISH CHANDIRA, J.

The petitioner, who was arrested and remanded to judicial custody on 06.11.2022 for the offences punishable under Sections 8(c), 22(c), 29(1) of the Narcotic Drugs and Psychotropic Substances Act, 1985 in Crime No.289 of 2022, seeks bail.

2. The case of the prosecution is that on 06.11.2022, based on the secret information about the illegal transport of Narcotic Substance, the respondent police conducted search and found the accused persons with illegal possession of 60 grams of Methamphetamine and Sivler color electronic machine and Lox 2% jelly and two injections. Hence the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by



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the prosecution and he has been falsely implicated in this case. The petitioner is known to A2-Mohan Babu, other than that the petitioner was not aware of the possession of the contraband by A2-Mohan Babu. He would submit that the petitioner is in judicial custody from 06.11.2022 and investigation has been completed and the final report has been filed and the case has been taken up for trial and thereby, he would seek for bail to the petitioner.

4. The respondent has filed a detailed counter.

5. The learned Government Advocate (Criminal Side) appearing for the respondent would submit that the petitioner is arrayed as A3. The petitioner and the A2-Mohan Babu are friends and also they have an App in the social media called Grindare Gay App. He would submit that the petitioner and A2 were addicted to drug and they purchase it from Bangalore and sold it to other persons and A2 had purchased 60 grams of Methamphetamine which is a commercial

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quantity and both of them were aware of the possession. He would submit that though the contraband was stated to be recovered from the pant pocket of the second accused, the petitioner has travelled along with him and both of them were in conscious possession of the same. He would further submit that in respect of the persons from whom there is no recovery, this Court had granted bail. However, there is a material to show that the petitioner and A2 were in conscious possession. He would submit that the petitioner has not complied with the condition as required under Section 37 of the NDPS Act for grant of bail.

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

7. Taking into consideration of the facts and circumstances and that the petitioner along with A2 were found conscious possession of drugs which is a commercial quantity, this Court is not inclined to grant the relief sought for in this petition.



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6. Accordingly this Criminal Original Petition is dismissed.

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17.04.2023

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