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Crl.O.P.No.9133 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioner who was arrested and remanded to judicial custody on 03.03.2023 for the offences punishable under Sections 8(c), 22(c), 25 and 29(1) of NDPS Act, in Crime No.32 of 2023 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 03.03.2023, based on a secret information, the Inspector of Police along with his team had gone to the place of occurrence i.e. near Stanley Roundtana and found the petitioner along with 3 other accused in possession of 300 Nos. of LSD Stamps (weighing 375 grams). Hence, the case.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would submit that the petitioner has no connection what so ever with the other accused and he has been falsely implicated in this case and that the petitioner has been



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languishing in jail for more than 2 months from 03.03.2023. 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 vehemently opposed for grant of bail to the petitioner stating that the petitioner was arrested along with 3 other accused for having found in possession of 300 Nos. of LSD Stamps (totally weighing 375 grams) and subsequently, based on the confession of A1, 5 Nos. of Ganja Plants weighing 11.850 Kgs. were recovered from the house of A1. Insofar as the petitioner is concerned, 50 Nos. of LSD Stamps each weighing 1.25 grams and in total 62.5 grams was recovered from the petitioner which is a commercial quantity. He further submitted that the lab report is awaited and the investigation is at the initial stage.

6. Heard both sides and perused the materials available on record.



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7. It is seen that that the respondent is alleged to have recovered 5 Nos. of Ganja Plants weighing in total 11.850 Kgs. from the house of A1 and 300 Nos. of LSD Stamps (totally weighing 375 grams.) from all the accused persons. Insofar as the recovery from the petitioner is concerned, 50 Nos. of LSD Stamps each weighing 1.25 grams and in total 62.5 grams has been recovered which is a commercial quantity.

8. In view of the above, this Court is of the opinion that the petitioner has not satisfied the twin conditions as required under Section 37 of NDPS Act. Further the case has been registered recently on 03.03.2023. Therefore, this Court is not inclined to grant bail to the petitioner.

9. Accordingly, this Criminal Original Petition stands dismissed.

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