



Crl.O.P.No.9937 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioner who was arrested and remanded to judicial custody on 15.04.2022 for the offences under Sections 8(c)r/w 20(b) (ii) (C) 25 and 29(1) of Narcotic Drugs and Phychotropic Substances Act 1985 in Crime No.136 of 2022, on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 04.04.2022 at about 03.15 hours, on receipt of a secret information regarding illegal sale of ganja, the Sub-Inspector of Police along with the Police team, entering the same in the general diary, went to the scene of occurrence and intercepted the accused persons, who were found in illegal transportation of 80 kilograms of Ganja in their Honda Activa Vehicle bearing registration No.TN-05-TE-5132. The respondent have seized the contraband under the cover of seizure mahazar and arrested the accused persons and registered a case in Crime No.136 of 2022 under Sections 8(c) r/w 20(b)(ii)(C), 25, 29(1) of NDPS Act. Hence the case



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3. Learned counsel appearing for the petitioner submitted that this is the fourth application for bail filed by the petitioner and this Court, had dismissed the earlier bail applications in Crl.O.P.No.24008, 28785 & 29730 of 2022. He further submitted that the petitioner is languishing in the judicial custody from 15.04.2022 and he is also ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that this is the fourth application for bail filed by the petitioner. He further submitted it is the case, where, it is the case, where, 80 kilograms of Ganja, which is a commercial quantity, was illegally transported by the accused. He also submitted that this Court, taking into consideration the fact that the petitioner has not satisfied the conditions required under Section 37 of the NDPS Act, had dismissed the earlier applications for bail in Crl.O.P.Nos.24008 & 29730 of 2022 vide orders dated 13.10.2022 & 03.01.2023 and there is no change of circumstances. He also submitted that the investigation in this case has



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been completed and the case has also been taken up for trial in C.C.No.265 of 2023, pending on the file of the learned I Additional Special Judge, Special Court for exclusive trial of cases under EC & NDPS Act, Chennai, therefore, if bail is granted to the petitioner, there is every possibility of him to abscond and would derail the progress of trial. Hence, he seek for dismissal of the petition.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the materials available on record.

6. Taking into consideration the above facts and circumstances of the case and the submissions made by the learned Government Advocate (Crl.Side), this Court is of the view that this Court, on finding that the petitioner has not satisfied the twin conditions as contemplated under Section 37 of NDPS Act, had dismissed the earlier applications for bail filed by the petitioner and there is no change of circumstances. Therefore, this Court is not inclined to grant bail to the petitioner.



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7. Accordingly, this Criminal Original Petition stands dismissed. However, the learned trial Judge, is directed to complete the trial in C.C.No.265 of 2023, as expeditiously as possible, preferably, within a period of six months from the date of receipt of copy of this order.

08.06.2023

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Note : Issue order copy today (12.06.2023).

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