



Crl.O.P.No.10514 of 2023

M.DHANDAPANI,J.

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The petitioner, who apprehends arrest at the hands of the respondent Police, for the offence under Sections 8(c) r/w 20(b)(ii)(c), 25 & 29(1) of NDPS Act, 1985 in Cr.No.1616 of 2020, seeks anticipatory bail.

2. The learned counsel for the petitioner submitted that the petitioner is arrayed as A2 and this is the fourth bail application of the petitioner. Earlier bail applications were dismissed on the ground that the seized Ganja is commercial quantity and at that time, the investigation was at preliminary stage. Subsequently, the respondent police have completed the investigation and filed the charge sheet. The learned counsel further submitted that as the mandatory provision of the NDPS Act, were not followed in this case and as such, the petitioner is entitle to be released on bail.

3. The learned counsel further submitted that the Co-accused has been released on bail by this Court in Crl.OP.No.4496 of 2023, dated 26.04.2023. Therefore, the learned counsel prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) submits that the petitioner along with other accused person were in possession of 23 kgs of ganja and the same was seized by the respondent Police. A1 has released on bail by this Court on medical ground. He further submitted that this is the 4th bail petition filed by the petitioner and there is no change of circumstances.



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5. Considering the fact that the seized contraband is a commercial quantity and hence, grant of bail is barred under Section 37 of NDPS Act and further there is no change of circumstances in this case, this Court is not inclined to grant bail to the petitioner.

6. Accordingly, this Criminal Original Petition is dismissed.

10.07.2023

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