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Crl.O.P.No.12325 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioner who was arrested and remanded to judicial custody on 16.06.2022 for the offences under Sections 8(c) r/w 20(b) (ii) (C) and 29(1) of Narcotic Drugs and Psychotropic Substances Act 1985 in Crime No.481 of 2022, on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 16.06.2022, on receipt of a secret information regarding illegal sale of ganja, the Sub-Inspector of Police along with the Police team after entering the same in the general diary, went to the scene of occurrence, where they found that the accused 1 & 2 were in illegal possession of 24 kilograms of Ganja. The respondent have arrested the accused persons, seized the contraband under the cover of seizure mahazar and obtained confession statements from them and registered a case in Crime No.481 of 2022 under Sections 8(c) r/w 20(b)(ii)(C) & 29(1) of NDPS Act. Hence the case



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3. Learned counsel appearing for the petitioner submitted that this is the second application for bail filed by the petitioner and this Court, had dismissed the earlier bail application filed by the petitioner in Crl.O.P.No.10224 of 2023 vide order dated 04.05.2023. He further submitted that the petitioner is in languishing in the judicial custody from 16.06.2022 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. The respondent has filed a detailed counter.

5. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that this is the second application for bail filed by the petitioner. He further submitted it is the case, where, the accused were in illegal possession of 24 kilograms of Ganja, which is a commercial quantity. He also submitted that the case has been taken up for trial in C.C.No.199 of 2023 pending trial on the file of the I Additional Special Court for Exclusive trial of cases under NDPS Act,



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Chennai. He further 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 application for bail filed by the petitioner, very recently on 04.05.2023 and there is no change of circumstances. Hence, he seek for dismissal of the petition.

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

7. In view of the above, this Court, earlier finding that the petitioner has not satisfied the twin conditions as contemplated under Section 37 of NDPS Act, had dismissed the petitioner's earlier application for bail. Further, taking into consideration the facts and circumstances of the case and taking note of the fact that this Court had dismissed the earlier bail application very recently on 14.05.2023 and also considering that there is no change of circumstances, this Court is not inclined to grant bail to the petitioner.



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8. Accordingly, this Criminal Original Petition stands dismissed.

08.06.2023

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