



CrI.O.P.No.10841 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioner who was arrested and remanded to judicial custody on 20.03.2023 for the offences under Sections under Sections 8(c), 20(b)(ii)(C) of Narcotic Drugs and Psychotropic Substance Act, 1985 in Crime No.206 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 20.03.2023, based on a secret information, the Inspector of Police attached to the respondent police station, along with his police parties went to the scene of occurrence i.e. near the E-Road, Koyambedu. At that time, the petitioner was found standing in a suspicious manner and on enquiry, he was found to be in illegal possession of 80 Kgs. of dry Ganja. Subsequently, the respondent police arrested the petitioner and seized the case properties and that the petitioner confessed that he along with A2 and A3, brought dry Ganja illegally and sold the same for their personal gain. Hence, the case.



3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner was assaulted by the respondent due to which, he sustained fracture in his leg and hence, he prayed for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police vehemently opposed for grant of bail to the petitioner stating that it is a case where the petitioner was found in illegal possession of commercial quantity of 80 kgs. of dry Ganja. On 20.03.2023, based on a specific information, the respondent had gone to the scene of occurrence wherein, the petitioner was found standing with 3 plastic bags and on seeing the police party, he had attempted to escape from the scene of occurrence. Hence, the respondent prevented him by using minimum force and on search, 80 kgs. of Ganja was seized from the petitioner. Subsequently, the petitioner was arrested and produced before the Court and till date, the petitioner has not made any allegation against the respondent.



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

6. It is a case where a commercial quantity of 80 kgs. of dry Ganja has been seized from the petitioner. In the opinion of this Court, the petitioner has not satisfied the twin conditions as contemplated under Section 37 of NDPS Act for grant of bail. Hence, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, this Criminal Original Petition is dismissed.

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