



Crl.O.P.No.10940 of 2023

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A.D.JAGADISH CHANDIRA,J.

The petitioner, who was arrested and remanded to judicial custody on 17.12.2022, for the alleged offences punishable under Sections 8(C), 22(b), 29(1) of NDPS Act, in Crime No.353 of 2022, on the file of the respondent Police, seeks bail.

2.The case of the prosecution is that on 16.12.2022 at about 20.00 hours, the defacto complainant Special Sub Inspector of Police, PEW Gummidipoondi Police Station, Thiruvallur District received a secret information and entered the same in the General Diary, then got permission from the then In-charge Inspector of Police. Thereafter, the Special Sub Inspector of Police along with his police parties went to the scene of occurrence [i.e] Ellavur Check Post, Gummidipoondi Taluk, the Special Sub Inspector of Police along with the police team conducted vehicle check up at that time, the accused persons A1/Purushothaman and A2/Sarathi were in bus bearing registration number AP 39 TK 9019 Bharathi Service Private Bus, Accused/A1 & A2 had kept in possession of 1)Alaprazolam Tablet IP 0.5 Mg,



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Becalm [9 x 15= 135 tablets], 2) Alaprazolam tablets IP 0.5 mg Restyl [4 x 15 = 60 tablets] , 3) Alaprazolam tablet Trika-0.5 mg [3 x15=45 tablets] 4) Alaprazolam tablets IP 0.5 mg, Trika-1 [2 x 10=20 tablets] 5) Tepentadol tablet 100 mg, Tydol 100 [1 x 10=10 tablets] [totally 270 tablets]. Further the respondent police arrested A1 and A2 and recorded their confession and also seized the case properties at the scene of occurrence in the presence of witnesses. Hence the case.

3. Learned counsel 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 in Crl.O.P.No.4651 of 2023 vide order dated 24.03.2023 on the ground that the petitioner has not satisfied the twin conditions required under Section 37 of NDPS Act. He further submitted that the petitioner is languishing in jail from 17.12.2022 for more than 150 days. He also submitted that till date, the charge sheet has not been filed. Hence, he prayed for grant of bail to the petitioner.



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4. Learned Government Advocate for the respondent submitted that it is a case where the contraband of commercial quantity was recovered and this Court taking into consideration that the petitioner has not satisfied the twin conditions of required under Section 37 of the NDPS Act, had dismissed the earlier application. He further submitted that there is no change in circumstances and major part of the investigation has been completed and lab report is awaited and the respondent has also filed an application for extension of time to file the charge sheet. He further submitted that as and when the lab report is received, the charge sheet would be filed. He reiterated that there is no change in circumstances after dismissal of the earlier bail application. Hence, he prayed for dismissal of the bail petition.

5. Heard the learned counsel for the petitioner and the learned Government Advocate for the respondent and perused the entire materials available on record.



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6. This Court having found that the petitioner has not satisfied the twin condition required under Section 37 of the NDPS Act cannot review its own order.

7. Accordingly, the Criminal Original Petition stands dismissed.

07.06.2023

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