



Crl.O.P.No.11046 of 2023

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T.V.THAMILSELVI,J.

The petitioner, who was arrested on 19.07.2022 and remanded to judicial custody for the alleged offences punishable under Sections 272, 273, 328 of IPC, Sections 6 and 24(1) of Cigarette and other Tobacco Products Act 2003 and Section 8(c) r/w Section 20(b)(ii)(C) and Section 25 of NDPS Act, 1985 in Crime No.313 of 2022, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused were found in illegal possession of 46.5 kgs of Ganja mittai and 212.477 kgs of Gutka. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that already this Court dismissed the bail petitions in Crl.O.P.No.28881 of 2022 on 15.12.2022, Crl.O.P.No.3151 of 2023 on 13.02.2023 and the petitioner is in judicial custody from 20.07.2022. He would also submit that the petitioner is prepared to comply with any stringent condition that may be imposed by this Court and he prays for grant of bail to the petitioner.



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4. The respondent has filed a detained counter.

5. The Government Advocate (Crl.Side) appearing for the respondent police would submit that the petitioner along with other accused were found in illegal possession of 46.5 kgs of Ganja mittai and 212.477 kgs of Gutka, which is a commercial quantity. He would further submit that the contraband has been recovered only from this petitioner. He also submit that the investigation is completed and a charge sheet has been filed in C.C.No.172 of 2022. Hence, he vehemently opposed to grant bail to the petitioner and also relied the following authority reported in ***(2020) 20 SCC, Hira Singh and another Vs. Union of India and another***, reads as follows:

12.2 In case of seizure of mixture of narcotic drugs or psychotropic substances with one or more neutral substance(s), the quantity of neutral substance(s) is not to be excluded and to be taken into consideration along with actual content by weight of the offending drug, while determining the "small or commercial quantity" of the narcotic drugs or psychotropic substances."



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

7. Taking into consideration the facts and circumstances of the case and also taking note of the quantity of the contraband which is a commercial quantity, and it was given to young school children by way of chocolates, and the nature of the offence committed by the petitioner, this Court is not inclined to grant bail to the petitioner.

8. Accordingly, this Criminal Original Petition stands dismissed. The trial Court is directed to dispose of the case within a period of three months from the date of receipt of a copy of this order.

22.06.2023

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