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Crl.O.P.No.11274 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioners, who were arrested and remanded to judicial custody on 21.02.2023 for the offences under Sections 8(c) r/w 20(b)(ii) (C) of Narcotic Drugs and Psychotropic Substances Act, 1985, in Crime No.36 of 2023, on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 21.02.2023, on receipt of a secret information regarding illegal transportation of ganja, the respondent along with his team, had gone to the scene of occurrence i.e., Jolaret Railway Station and conducted search in Train No.12835, during which, they found that the accused were in illegal possession of 38 kilograms of Ganja. The respondent had arrested the accused and seized the contraband under the cover of seizure mahazar in the presence of witnesses. Hence the case



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3. Learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that the petitioners are no way connected with the alleged offence and they are in custody from 21.02.2023. He also submitted that the petitioners are ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioners.

4. The respondent police has filed a detailed counter.

5. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioners were found to be in illegal possession of 38 kilograms of Ganja, which is a commercial quantity. He also submitted that the investigation in this case has been completed and the final report has also been filed, which is yet to be taken on file. He further submitted that the contraband seized in this case is of commercial quantity and that it attracts Section 37 of NDPS Act,



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thereby, the petitioners have to satisfy the twin conditions as contemplated under Section 37 of NDPS Act. He further submitted that the petitioners are native of Kerala, therefore, if bail is granted to the petitioners, there is every possibility of them to abscond and being not available for trial. Hence, he vehemently opposed for grant of bail to the petitioners.

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

7. Taking into consideration the facts and circumstances of the case, submissions made by the learned Government Advocate (Crl.Side) and taking note of the quantity of the contraband recovered, which is a commercial quantity and also considering that the petitioners have not satisfied the twin conditions required under Section 37 of NDPS Act, this Court is not inclined to grant bail to the petitioners.



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8. Accordingly, this Criminal Original Petition stands dismissed. However, the learned trial Judge is directed to complete the trial as expeditiously as possible, preferably, within a period of five months from the date of receipt of copy of this order.

08.06.2023

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