



Crl.O.P.No.11675 of 2023

Crl.O.P.No.11675 of 2023

WEB COPY

A.D.JAGADISH CHANDIRA, J.

The petitioners, who were arrested and remanded to judicial custody on 11.03.2023 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.6 of 2023, on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 11.03.2023, on receipt of a secret information regarding illegal sale of ganja, the Respondent along with his team, had gone to the scene of occurrence i.e., nearby Orgadam Junction, Sriperumbudur to Chengalpattu Road, wherein, they found that the accused were in illegal possession of 22 kilograms of Ganja. The respondent has 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.6 of 2023 under Sections 8(c) r/w 20(b)(ii)(C) & 29(1) of NDPS Act. Hence the case



Crl.O.P.No.11675 of 2023

WEB COPY

3. Learned counsel appearing for the petitioners submitted that the petitioners (A1 & A2) 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 11.03.2023. 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 was found to be in illegal possession of 22 kilograms of Ganja, which is a commercial quantity. He also submitted that the seized contraband was sent for chemical analysis and the report is yet to be received. He further submitted that two previous cases of similar nature are pending against the first accused and in respect of second accused, there is no previous case. However, he vehemently opposed for grant of bail to the petitioner.



WEB COPY



Crl.O.P.No.11675 of 2023

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) that the petitioners were in illegal possession of commercial quantity and taking note of the fact that the first petitioner has two previous cases of similar nature, this Court is of the opinion that the petitioners have not satisfied the twin conditions as required under Section 37 of NDPS Act, and thereby, this Court is not inclined to grant bail to the petitioners.

8. Accordingly, this Criminal Original Petition stands dismissed.

08.06.2023

ham

Page 3 of 4



WEB COPY



Crl.O.P.No.11675 of 2023

A.D.JAGADISH CHANDIRA, J.

ham

Crl.O.P.No.11675 of 2023

08.06.2023