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Crl.O.P.No.11674 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioner, who was arrested and remanded to judicial custody on 21.03.2023 for the offences under Sections 8(c) r/w 20(b)(ii) (C) of Narcotic Drugs and Psychotropic Substances Act, 1985, in Crime No.100 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 21.03.2023, on receipt of a secret information regarding illegal transportation of narcotic substances, the respondent along with his team, had gone to the scene of occurrence, i.e., near MCC College, Tambaram, wherein, they found that the accused was in illegal possession of 30 kilograms of Ganja. Hence the case

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in



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this case. He further submitted that the petitioner is no way connected with the alleged offence and he is in custody from 21.03.2023. He also submitted that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

4. The respondent police has filed a detailed counter.

5. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner was found to be in illegal possession of 30 kilograms of Ganja, which is a commercial quantity. He also submitted that the lab report is yet to be received and the investigation in this case is pending. He further submitted that the contraband seized in this case is of commercial quantity and that it attracts Section 37 of NDPS Act, thereby, the petitioners have to satisfy the twin conditions as contemplated under Section 37 of NDPS Act and he also submitted that the petitioner is a native of West Bengal, therefore, if bail is granted to the petitioner, there is every possibility of him to



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abscond and being not available for trial. Hence, he vehemently opposed for grant of bail to the petitioner.

6. Heard the learned counsel for the petitioner 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 petitioner has not satisfied the twin conditions required under Section 37 of NDPS Act, this Court is not inclined to grant bail to the petitioner.

8. Accordingly, this Criminal Original Petition stands dismissed.

08.06.2023

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