



Crl.O.P.No.12347 of 2023

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A.D.JAGADISH CHANDIRA,J.

The petitioner, who was arrested and remanded to judicial custody on 28.12.2021, for the alleged offences punishable under Sections 8(c), 20(b)(ii)(C), 29(1) and 25 of NDPS Act, in Crime No.530 of 2021, on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused have transported 300 kgs of Ganja illegally in a lorry. Hence the complaint.

3. Learned Counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner is in judicial custody from 28.12.2021 and hence, he prays for grant of bail to the petitioner.

4. The respondent police has filed a detailed counter.



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5. Per contra, the learned Government Advocate (Crl.Side) appearing for the respondent police opposed for grant of bail to the petitioner stating that it is a case where the petitioner along with other accused has illegally transported 300 kgs of Ganja in a lorry. He further submitted that the petitioner, earlier applied for bail in Crl.O.P.No.5137 of 2023 before this Court and this Court on finding that the petitioner had failed to fulfill the twin conditions as contemplated under Section 37 of NDPS Act and the seized contraband is a commercial quantity, had dismissed the bail petition. He further submitted that the petitioner is a habitual offender, against whom, there are two previous cases, similar in nature pending. Therefore, if the petitioner is released on bail, there is every possibility of the petitioner absconding.

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



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7. This is the third application for bail. Taking into consideration the facts and circumstances of the case, this Court, after finding that the petitioner had not satisfied the twin conditions as contemplated under Section 37 of NDPS Act, had dismissed the previous bail petition and also finding that the petitioner has two previous cases of similar nature. Now, after hearing the learned counsel for the parties, this Court is of the view that there is no change of circumstances for granting bail to the petitioner, therefore, this Court is not inclined to grant bail to the petitioner.

8. Accordingly, the Criminal Original Petition stands dismissed. However, direction is issued to the learned Special Judge, Special Court for EC and NDPS Act, Salem, to complete the Trial in Spl.S.C.No.96 of 2022 as expeditiously as possible within a period of six months from the date of receipt of a copy of this order.

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