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Crl.O.P.No.14790 of 2023

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G.CHANDRASEKHARAN. J.

The petitioner, who was arrested and remanded to judicial custody on 30.04.2022 for the offences punishable under Sections **8(c) read with 20(b)(ii)(C) and 25, 29(2)(a) of the NDPS Act, 1985** in Crime No.216 of 2022, on the file of the respondent police, seeks bail.

2. The learned counsel for the petitioner submitted that the petitioner was only traveling in the car bearing Registration No.TN07 BF 2381 after getting lift and he is no way involved in the alleged offence and that he has no previous case against him. He is in judicial custody from 30.04.2022. Thus, he prays for grant of bail.

3. In reply, the learned Government Advocate (Crl. Side) opposed this petition stating that it is a case of illegal possession of 60 Kgs. of Ganja by the accused persons in the aforesaid car out of which, 14 kgs. was recovered from the petitioner individually. There is already a



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direction in Crl.O.P.No.11236 of 2023 dated 08.06.2023 that the case in C.C.No.343 of 2022 on the file of the Principal Special Judge (EC & NDPS Cases), Chennai, has to be disposed of as expeditiously as possible, preferably within a period of four months from the date of receipt of a copy of the order.

4. Considered the rival submissions and perused the records.

5. The allegation against the petitioner is that he along with other accused, were found in possession of 60 Kgs. of Ganja which is a commercial quantity. Therefore, the petitioner has to satisfy the twin conditions as contemplated under Section 37 of NDPS Act for grant of bail. However, the fact is that, Ganja was recovered from the petitioner also, this Court is of the view that the first condition is not satisfied by the petitioner. Further, there is no assurance that he will not involve in any offence while he is on bail. Therefore, this Court is of the view that the petitioner has not satisfied the twin conditions as required under Section 37 of NDPS Act. Apart from that, there is already a direction to the trial Court in Crl.O.P.No.11236 of 2023 dated 08.06.2023, to



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complete the trial within a period of four months. In the said circumstances, this Court is not inclined to grant bail to the petitioner.

6. Accordingly, this Criminal Original Petition is dismissed.

10.07.2023

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G.CHANDRA SEKHARAN, J.

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