



Crl.OP.No.15197 of 2023

G.CHANDRASEKHARAN, J.

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This petition is filed to enlarge the petitioner on bail in Cr.No.131 of 2023 pending investigation on the file of the respondent Police.

2.It is the submission of learned counsel for the petitioner that petitioner is falsely implicated as accused in Cr.No.131 of 2023 registered for the offences under Section 8 (b) r/w 20 (a) (i) of Narcotic Drugs and Psychotropic Substances Act, 1985. He further submitted that petitioner is not the owner of the land where Ganja plants were said to have been recovered. Petitioner is in judicial custody from 16.05.2022. Thus, he seeks bail.

3.In response, the learned Government Advocate (Criminal side) submitted that as per the materials available now, petitioner is the owner of the land where Ganja plant was cultivated. On 15.05.2023, at about 09.15 a.m. respondent Police had found a land near house of petitioner, cultivation 40 Ganja plants measuring 2 and 1/2 feet to 3 feet. Therefore, petitioner was arrested and First Information Report was registered. Ganja plants are still wet and it takes sometime for measuring the weight of the Ganja plant.



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Investigation in this case is pending.

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4.Considered the rival submissions and perused the records.

5. Though, it is submitted by the learned counsel for the petitioner that petitioner is not the owner of the land, he is not able to give indication as to who is the owner of the land. As of now, material produced in this case and submission made by learned Government Advocate (Criminal side) show that petitioner is the owner of the land where Ganja plants were cultivated. The investigation in this case is in a preliminary stage. Only after weighing the Ganja plants, it would be known whether the Ganja seized in this case is small quantity or commercial quantity. In such circumstances, this Court is not inclined to grant bail to the petitioner.

6.Accordingly, this Criminal Original Petition is dismissed.

18.07.2023

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