



Crl.O.P.No. 16882 of 2023

WEB COPY **G.K.ILANTHIRAIYAN, J.**

The petitioner, who was arrested and remanded to judicial custody on 07.06.2022 for the offence punishable under Section 8(c), 20(b)(ii)(c), 25 and 29(1) of NDPS Act, in C.C.No.167 of 2022 on the file of the Additional District Judge/Presiding Officer, Special Court for Essential Commodities Act cases, Coimbatore, seeks bail.

2. The case of the prosecution is that on receiving a secret information, the respondent police along with his team went to the scene of occurrence and they found that the accused were in illegal possession of 21 kgs of Ganja. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner, who is arrayed as A1, is an innocent person and he has been falsely implicated in this case. He further submitted that even as per the prosecution, the petitioner was found to be in possession of 11 kgs. He would further submit that the petitioner is in judicial custody from 07.06.2022. He would also submit that earlier the petitioner has been detained under Act 14 and the detention order has also been set aside by this Court. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) for the respondent



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would submit that this is the fifth bail petition and earlier this Court, while dismissing the bail applications, has held that the petitioner, along with other accused person, was found to be in conscious possession of 21 kgs of Ganga, which is a commercial quantity. Further, this Court has also held that the petitioner has failed to satisfy the twin conditions under Section 37 of the NDPS Act. Hence, he vehemently opposed for grant of bail to the petitioner.

5. Taking into consideration the facts and circumstances of the case and also the submissions made by either side, this Court has dismissed the earlier bail petitions stating that the petitioner has not satisfied the twin conditions under Section 37 of the NDPS Act and also taking note of the fact that there is no change of circumstances, this Court is not inclined to grant bail to the petitioner.

6. Accordingly, this Criminal Original Petition stands dismissed. The Trial Court is directed to complete the trial within a period of six months from the date of receipt of a copy of this order.

02.08.2023

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The Additional District Judge/Presiding Officer,
Special Court for Essential Commodities Act cases,
Coimbatore

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