



Crl.O.P.No.19565 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioner, who was arrested and remanded to judicial custody on 11.03.2023, in connection with Crime No.6 of 2023 on the file of the respondent Police, for the offences punishable under Section 8(c) r/w. 20(b)(ii)(C), 29(1) of Narcotic Drugs and Psychotropic Substances Act, 1985, seeks bail.

2.The case of the prosecution is that, on 11.03.2023, on receipt of a secret information regarding illegal sale of Ganja, the respondent, along with his team, had gone to the scene of occurrence, i.e., near Oragadam Junction, Sriperumbudur to Chengalpattu Road, wherein, they found that the accused were in illegal possession of 22 kilograms of Ganja. The respondent had arrested the accused persons, seized the contraband under the cover of seizure mahazar and obtained confession statements from them and registered a case in Crime No.6 of 2023 under Section 8(c) r/w.20(b)(ii)(C) and 29(1) of NDPS Act. Hence, the case.



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3.Learned counsel for the petitioner would submit that this is the third application for bail. The petitioner is in custody from 11.03.2023. Charge-sheet has been filed and the case has been taken up for trial. He would further submit that the petitioner and other accused were arrested at different places, whereas, the prosecution has shown as if they were arrested in the same place and they also allege that the contraband of 22 kilograms of Ganja, which is a commercial quantity, has been recovered from them. He would submit that, taking into consideration the period of incarceration from 11.03.2023, bail may be granted to the petitioner.

4.The respondent has filed a detailed counter. Learned Government Advocate (Crl. Side) appearing for the respondent would submit that this is the case where the petitioner along with the other accused were found in possession of 22 kilograms of Ganja, which is a commercial quantity. He would further submit that the investigation has been completed and the final report has been filed and taken up for trial in C.C.No.624 of 2023 on the file of the II Additional Special Court under NDPS Act, Chennai, and the case now stands posted to 30.08.2023 for appearance of the accused. He would submit that there are totally five



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witnesses in this case and the respondent would be able to complete the trial within a specified period. He would further submit that this Court, earlier, after perusing the entire materials available on record, including the FIR, had found that the contraband recovered is a commercial quantity and the petitioner has not satisfied the twin conditions under Section 37 of the NDPS Act and dismissed the bail application. There is no change of circumstances and thereby, he would seek for dismissal of this application.

5.Heard the learned counsel on either side and perused the materials available on record.

6.It is the case where the petitioner along with other accused were found to be in possession of 22 kilograms of Ganja, which is a commercial quantity. This Court, finding that the petitioner has not satisfied the twin conditions required under Section 37 of the NDPS Act, had dismissed the earlier bail application. There is no change of circumstances. Therefore, this Criminal Original Petition stands dismissed.



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7.However, a direction is issued to the concerned Judge to complete the trial as expeditiously as possible, preferably within a period of four months from the date of receipt of a copy of this order.

25.08.2023

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