



Crl.O.P.No.23378 of 2023

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A.A.NAKKIRAN,J

The petitioners, who were arrested and remanded to judicial custody on 21.08.2022, in connection with Crime No.93 of 2022 registered for the offences punishable under Sections 8(c) r/w 20(b) (ii) (B) of NDPS Act, seek bail.

2.The case of the prosecution is that on 21.08.2022, at about 12.40 a.m., based on the secret information, the respondent police has intercepted the TATA NAGAR-BANGALORE Train bearing No.12889, wherein they found the petitioners/accused 1 & 2 were in illegal possession of 23.200 Kgs of ganja leaves and seized the entire contraband. Hence the case.

3. Learned counsel for the petitioners submitted that this is the third bail petition. The earlier bail petition filed by the petitioners was dismissed by this Court considering the quantity of contraband involved in this case. He further submitted that the mandatory provisions under Sections 42 and 50 of NDPS Act have not been followed and the petitioners are not



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having any bad antecedents and also they are in judicial custody for more than 120 days. Hence, he prayed for grant of bail to the petitioners.

4. Learned learned Government Advocate (Crl. Side) appearing for the respondent has filed a counter wherein, it is stated that the total quantity of the contraband involved in this case is 23.200 kgs of ganja, which is a commercial quantity. The petitioners/accused have purchased 23.200 kgs of ganja from their native place Jharkand for lower price and the same was sold by them in Bangalore for higher price. Further, the respondent police arrested the petitioners 1 & 2/ accused No.1 & 2, recorded their confession and also seized the case properties. He further submitted that after completion of investigation, the prosecution had filed a charge sheet in C.C No.105 of 2022 before the Special Court for EC/NDPS Act, Salem and the case is posted on 30.10.2023 for framing of charges. Earlier bail applications filed by the petitioners in Crl.O.P No.32521 of 2022 & 4486 of 2023, before this Court was dismissed on 28.12.2022 and 28.06.2023 respectively and there is no change in circumstances. If the petitioners/accused 1 & 2 are let out on bail, there is every possibility of absconding; again they will commit the similar offence and they will tamper the evidences and threaten the witnesses.



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Hence, he strongly opposed for grant of bail to the petitioner.

5. This Court considered the rival submissions and perused the materials placed on record.

6. Considering the fact that the seized contraband in this case is commercial quantity and also of the fact that charge sheet has been filed and the case is posted for framing of charges, this Court is not inclined to grant bail to the petitioners.

7. Accordingly, this Criminal Original Petition stands dismissed. However, the trial Court is directed to conclude the trial as expeditiously as possible, more preferably, within a period of six months from the date of receipt of a copy of this order.

30.10.2023

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