



Crl.OP.No.19769 of 2023

G.CHANDRASEKHARAN, J.

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This petition is filed to enlarge the petitioner on bail in C.C.No.361 of 2023 pending before the II Additional Special Court for exclusive trial of cases under NDPS Act, Chennai.

2.This is second bail petition. Earlier bail petition in Crl.O.P.No.16231 of 2023 was dismissed on 31.07.2023 for the following reasons:-

“2. Learned counsel for the petitioner submitted that petitioner is falsely implicated in this case in Crime No.95 of 2023 registered for the offence under Sections 8(c) read with 20(b)(ii)(C), 25 and 29(i) of NDPS Act. Therefore, he seeks bail.

3. Learned Additional Public Prosecutor submitted that, there are four accused in this case. Petitioner is A1 in this case. On 02.04.2023, at about 9.45 a.m., near Royapuram CSI Rajagopal school, the de-facto complainant and his party found the accused in this case in a suspicious circumstances. After following procedures, a search was conducted. The accused were found in illegal possession of 36 Kgs of ganja near as SWIFT car bearing Reg.No. TN 11



AW 1545, in a white sack. Following sampling procedure, samples were taken. Statement of the accused were recorded, they were apprehended and the case came to be registered. He further submitted that petitioner has 14 previous cases of similar nature against him.

4. Considering the nature of the allegations made against the petitioner that he was in possession of 36 Kgs of ganja, which is a commercial quantity along with other accused, that he has 14 similar cases pending against him, this court is of the view that there is no reason to believe that he has not committed the offence and that he will not commit the offence while he is on bail. Thus, petitioner failed to meet the twin conditions under Section 37 of NDPS Act. If the petitioner is released on bail, he may indulge in a similar offence and the possibility of abscondence cannot be ruled out, leading to delaying disposal of this case.

5. For these reasons, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.”

3. The second bail petition is filed for the reason that investigation in this case is completed and final report is filed in C.C.No.361 of 2023 on the file of the II Additional NDPS Court, Chennai.



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4.This case involves the illegal possession of 36kg of Ganja. This is a commercial quantity. Merely because, final report was filed, it is not the ground for the grant of bail. Petitioner has to satisfy the twin conditions contemplated under Section 37 of NDPS Act, for the grant of bail. Unfortunately, petitioner has not satisfied the twin conditions contemplated under Section 37 of NDPS Act. Thus, this Court is not inclined to grant bail for the petitioner.

5.Accordingly, this Criminal Original Petition is dismissed.

31.08.2023

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