



Crl.O.P.No.20820 of 2023

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**G.CHANDRASEKHARAN, J.**

The petitioner, who was arrested and remanded to judicial custody on 27.09.2022 for the offences punishable under Sections 8(c), 20(b)(ii)(C) of NDPS Act in Crime No.344 of 2022 on the file of the respondent police, seeks bail.

2. It is the submission of the learned counsel for the petitioner that petitioner is falsely implicated as an accused in Crime No.344 of 2022. The charge is that accused were found in illegal possession of 10.500 Kgs of ganja and 10 Kgs of ganja respectively. Therefore it cannot be stated that the accused were found in illegal possession of commercial quantity of ganja. Petitioner is in judicial custody for almost one year. In the said circumstances, the learned counsel for the petitioner seeks grant of bail for the petitioner.

3. In response, learned Additional Public Prosecutor submitted that petitioner is from Tripura. He along with co-accused purchased commercial quantity of ganja from Tripura and came to Chennai. On secret information received by the *de-facto* complainant, *de-facto* complainant along with police party mounted



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surveillance and found the accused near Mettukuppam Bus stand at about 08.10 a.m., on 27.09.2022, each having one plastic bag. After introducing police party and after following necessary procedure a search was conducted on Jasim Uddhin and Sayibul Islam. During the course of the search, it was found that Jasim Uddhin was found with illegal possession of 10.500 Kgs of ganja and accused Sayibul Islam was found with illegal possession of 10 Kgs of ganja. Sampling procedure was followed. Thereafter, statement of accused were recorded and they were arrested.

4. From the case projected by the prosecution, it is a case of illegal procurement of commercial quantity of ganja and possession there of. The claim of the petitioner that accused cannot be prosecuted for the possession of commercial quantity of ganja and that if at all there is any prosecution, that can only for their independent possession cannot be accepted.

5. In light of the submission made by the learned Additional Public Prosecutor and materials relied in support of his submissions and the fact that the petitioner is from Tripura and that



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if he is released on bail, he may abscond and would not face the trial, do not permit this court to consider bail in favour of the petitioner.

6. Taking all these facts into account and the fact that it is a case of illegal possession of commercial quantity of ganja and that the petitioner has not satisfied the twin conditions contemplated under Section 37 of NDPS act and the investigation in this case is not completed, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, this Criminal Original Petition is dismissed. However, the II Additional Court for NDPS cases, Chennai is directed to expedite the trial in C.C.No.355 of 2023 and to dispose the case as expeditiously as possible.

**15.09.2023**

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