



Crl.OP.No.20980 of 2023

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G.K.ILANTHIRAIYAN, J.

The petitioner, who was arrested at the hands of the respondent Police and remanded to judicial custody on 23.07.2021 for the offences punishable under Sections **8 (c) r/w 20 (b) (II) (c), 25 and 29(I) of NDPS Act**, in CC.No.41 of 2022 on the file of the learned II Additional Special Court Exclusive Trial of NDPS Act Cases, Chennai in respect of Crime No.1402 of 2021, seeks bail.

2. The case of the prosecution is that, the petitioner along with other accused were found in possession of 120 Kgs of Ganja. Hence, a case was registered as against the petitioner.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the other accused persons were granted bail. Further, the petitioner was arrested and remanded to judicial custody on 23.07.2021. He also submitted that the charge sheet has been laid and the petitioner is facing the prosecution. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (crl.side) appearing for the petitioner submitted that the petitioner along with other accused were in conscious possession of 120 Kgs of Ganja. Hence, he vehemently opposed grant of bail to the petitioner.



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5. It is seen that there are totally 7 accused in which the petitioner is arrayed as A7. The petitioner was found in possession of 3 bags of Ganja weighing about 120 Kgs.

6. A perusal of records revealed that the petitioner was in possession of 3 bags of Ganja weighing about 120 Kgs. It is a commercial quantity. Further, the petitioner failed to satisfy the twin conditions as contemplated under Section 37 of NDPS Act.

7. This Court already dismissed the earlier bail petitions and even now, there is no change of circumstances in this case. However, it is submission of the learned counsel for the petitioner that as per law, the respondent ought to have taken samples of 100 grams from the contraband. However, the respondents had taken only 50 grams of samples and also there is clear violation of Section 52A of NDPS Act.

8. Those are all grounds to be raised before the trial court by cross examination. Therefore, the same cannot be considered by this Court for granting bail. Further, though this Court already directed the trial court to complete the trial within a period of six months by order dated 06.02.2023, the trial court could not be able to complete and now only the trial court framed charges as against the accused. Considering the same, the trial court is directed to complete the trial within a period of three months from the date of receipt of copy of this order.

9. With the above direction, this Criminal Original Petition is dismissed.

13.09.2023

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The Principal Special Court-II for EC and NDPS cases, Chennai.



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