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Crl.O.P.No.22630 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioner, who was arrested and remanded to judicial custody on 06.03.2023 for the offences under Sections 8(c) r/w 20(b)(ii) (C) of Narcotic Drugs and Psychotropic Substances Act, 1985, in Crime No.11 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 06.03.2023, on receipt of a secret information regarding illegal transportation of ganja, the Respondent along with his team, had gone to the Perambur Railway Station, wherein, they found that the accused was in illegal possession of 36 kilograms of Ganja. Hence the case

3. Learned counsel appearing for the petitioner submitted that this is the second application for bail filed by the petitioner and this Court had dismissed the earlier bail application of the petitioner in



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Crl.O.P.No.11859 of 2023 dated 08.06.2023. He further submitted that the investigation in this case has been completed and the case has also been taken up on the file of the Principal Special Court under EC & NDPS Act, Chennai, in C.C.No.712 of 2023. He also submitted that the co-accused in this case have been granted bail by this Court. He further submitted that no previous case is pending as against the petitioner and he is in custody from 06.03.2023. He also submitted that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

4. Per contra, the learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner was found to be in illegal possession of 36 kilograms of Ganja in three bags, which is a commercial quantity. He also submitted that the petitioner is a native of Odisha and this Court, on considering the fact that the contraband involved in this case is a commercial quantity and the petitioner has not satisfied the twin conditions as required under Section 37 of NDPS Act, had dismissed the earlier bail application of the



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petitioner. He further submitted that the investigation in this case has been completed and the case has also been taken up on the file of the Principal Special Court under EC &NDPS Act, Chennai, in C.C.No.712 of 2023. There are 19 witnesses in this case and the case now stands posted on 25.10.2023 and there is no change of circumstances. Hence, he vehemently opposed for grant of bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case, submissions made by the learned Government Advocate (Crl.Side) that the case was taken up for trial in C.C.No.712 of 2023 on the file of the Principal Special Court under EC &NDPS Act, Chennai and there is no change of circumstances, this Court is not inclined to grant bail to the petitioner.



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7. Accordingly, this Criminal Original Petition stands dismissed. However, the learned trial Judge is directed to complete the trial as expeditiously as possible, preferably within a period of eight months from 25.10.2023.

16.10.2023

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