



Crl.OP.No. 26239 of 2023

Crl.O.P.No. 26239 of 2023

G.K.ILANTHIRAIYAN, J.

The petitioner, who was arrested and remanded to judicial custody on 19.08.2022 for the alleged offences punishable under Sections 8(c) r/w. 20(b)(ii)(C) of the NDPS Act in Crime No. 791 of 2021, seeks bail.

2. The case of the prosecution is that there are totally three accused in which the petitioner is arrayed as A2. The petitioner was found in possession of 4.300 kgs of Ganja. Hence, the complaint.

3. The learned counsel appearing for the petitioner submitted that there are totally three accused in which the petitioner is arrayed as A2. Even according to the prosecution, the petitioner was found in possession of 4.300 kgs of Ganja. All the accused were found in possession of 21.400 kgs of Ganja. Even then, the respondent failed to register a case under Section 29 of NDPS Act. The prosecution filed an application for disposal of the contraband under Section 52A of the NDPS Act, in which the Trial Court ordered to weigh the contraband of 19.09 kgs of Ganja and it is a intermediate quantity. Even if the sample is added it comes only 19.59 kgs which is lesser than the commercial quantity. Hence, he prayed for grant of bail to the petitioner.



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4. The learned Government Advocate (Crl.Side) for the respondent would submit that this is the sixth bail petition and earlier this Court, while dismissing the bail applications, has held that the petitioner, along with other accused person, was found to be in possession of 4.300 kgs of Ganja, which is a commercial quantity. Further, this Court has also held that the petitioner has failed to satisfy the twin conditions under Section 37 of the NDPS Act. Hence, he vehemently opposed for grant of bail to the petitioner.

5. Taking into consideration the facts and circumstances of the case and also the submissions made by either side, this Court has dismissed the earlier bail petitions stating that the petitioner has not satisfied the twin conditions under Section 37 of the NDPS Act and also taking note of the fact that there is no change of circumstances, this Court is not inclined to grant bail to the petitioner.

6. Accordingly, this Criminal Original Petition stands dismissed.

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