



Crl.OP.No.24692 of 2023

Crl.O.P.No.24692 of 2023

C.V.KARTHIKEYAN, J.

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The petitioners namely Nabeel and Jamsheed, who were arrested and remanded to judicial custody on 17.06.2023 for the offence punishable under Sections 8(c) r/w 20(b)(ii)(C) of NDPS Act, in Crime No.228 of 2023 on the file of the respondent Police, seek bail.

2.The learned counsel for the petitioners submitted that the petitioners had been falsely implicated in this case and the ganja was not recovered from the petitioners. He also submitted that the petitioners are in judicial custody from 17.06.2023. Thus, he seeks for grant of bail to the petitioners.

3.In response, learned Government Advocate, opposed this bail petition, on the ground that on 16.06.2023 at about 15.30 hours, the defacto complainant found a car bearing No.KL 46 H 4497 at Periyampet Junction in Karrimangalam to Dharmapuri Road. Two persons were standing near the car, they are the petitioners. On enquiry, petitioners informed that the car's tier got burst. On seeing inside the car, the respondent Police found sacks in the car. After following the necessary procedure, a search was conducted and ganja weighing 30 kgs was found in three sacks. The ganja and car had been seized. Samples were taken and sent for analysis and this case came to be registered. He further submitted that commercial quantity of ganja was seized from the first and second accused. Petitioners have not satisfied the twin conditions under



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Section 37 of NDPS Act. Thus, he prays for dismissal of this bail petition.

4.In response, the learned counsel for the petitioners submitted that joint possession of ganja cannot be attributed to the petitioners. Therefore, contention of the learned Government Advocate that the petitioners have to satisfy the twin conditions under Section 37 of NDPS Act would not apply to the facts of the case. He also submitted that this is the second application for bail and the earlier application for bail had been dismissed by this Court on 04.09.2023.

5.It is stated that the change in circumstances of that particular date is that the investigation has been completed and the final report had been filed and the matter is now listed for framing of charges.

6.However, one aspect which has to be examined is the possibility of the petitioners absconding from the judicial process.

7.The learned counsel for the petitioners stated that the solvency sureties would be produced.

8.Let the charges be framed first. After the charges have been framed and depending on the nature of charge as against each one of the petitioner, consideration of bail can be examined.

9.At this stage, this Court is not inclined to grant bail to the petitioners.

10.Hence, this Criminal Original Petition stands dismissed.

16.11.2023

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