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CrI.O.P No.26413 of 2023

A.A.NAKKIRAN,J

The petitioner/A1, who were arrested and remanded to judicial custody on 21.08.2022, in connection with Crime No.93 of 2022 registered for the offences punishable under Sections 8(c) r/w 20(b) (ii) (B) of NDPS Act, seeks bail.

2.The case of the prosecution is that on 21.08.2022, based on the secret information, the respondent police, on suspicion, has intercepted the TATA NAGAR-BANGALORE Train near Platform No.3, Katpadi Railway Station, wherein they found the petitioner/accused was in illegal possession of 23 Kgs of ganja leaves and seized the entire contraband. Hence the case.

3. Learned counsel for the petitioner submitted that this is the fourth bail petition. He further submitted that the petitioner is in judicial custody for more than 400 days. The earlier bail petition filed by the petitioner was dismissed by this Court considering the quantity of contraband involved in this case. The petitioner belongs to Jharkhand. Hence, he prayed for grant of bail to the petitioner.



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4. The learned Government Advocate (Criminal Side) appearing for the respondent/complainant has submitted that the petitioner purchases ganja from their native place Jharkand for lower price and he sell them at higher price at Bangalore. On 21.08.2022, the respondent police, on suspicion, has intercepted the TATA NAGAR-BANGALORE Train near Platform No.3, Katpadi Railway Station, wherein they found the accused No.1 and 2 were in illegal possession of 23 Kgs of ganja leaves and seized the entire contraband. Further, the respondent police arrested the accused No.1 & 2, recorded their confession and also seized the said contraband. He further submitted that after completion of investigation, the prosecution had filed a charge sheet in C.C.No.105 of 2022 before the Special Court for EC/NDPS Act, Salem and the case is posted on 29.11.2023 for examination of LW1 to LW3. The three earlier bail petitions namely CrI.OP.Nos.32521 of 2022, 4486 of 2023 and 23378 of 2023 were dismissed by this court on 28.12.2022, 28.06.2023 and 30.10.2023 respectively. He further submitted that the contraband seized in this case is of commercial quantity. If the petitioner is let out on bail, there is every possibility of absconding; again he will commit the similar offence and he will tamper the evidences and



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threaten the witnesses. Hence, he strongly opposed for grant of bail to the
petitioner.

5. This Court considered the rival submissions and perused the materials placed on record.

6. Considering the fact that the seized contraband in this case is commercial quantity and also of the fact that charge sheet has been filed and the case is posted for examination of witnesses, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, this Criminal Original Petition stands dismissed. However, the trial Court is directed to conclude the trial as expeditiously as possible, more preferably, within a period of three months from the date of receipt of a copy of this order.

Gv
29.11.2023



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Gv

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