



Crl.OP.No.31397 of 2022

Crl.O.P.No.31397 of 2022

G.K.ILANTHIRAIYAN, J.

The petitioner, who was arrested and remanded to judicial custody on 15.11.2021 at the hands of the respondent police for the alleged offences punishable under Sections 8(c), 20(b)(ii)(C), 29(1) and 25 of the Narcotic Drugs and Psychotropic Substances Act, 1985, in C.C.No.334 of 2021, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused were found in possession of 25 Kgs of Ganja illegally. Hence, a case was registered as against the petitioner.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated as an accused in this case. He would further submit that the contraband was seized from A1 and not from the petitioner. He would further submit that charge sheet has been filed and trial also commenced. So far, LW1 was examined as PW1 and it is the second bail petition filed by the petitioner. Hence, he prays for grant of bail to the petitioner.



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4. The learned Government Advocate (Crl. Side) would submit that there are totally three accused in this case in which the petitioner is arrayed as A3. He along with other accused were found in possession of 25 Kgs of Ganja and it is a commercial quantity. Therefore, the petitioner failed to fulfil the twin conditions as contemplated under Section 37 of NDPS Act, 1985. Hence, he vehemently opposed to grant bail to the petitioner..

5. Taking into consideration of the above facts and circumstances of the case and the petitioner failed to satisfy the twin conditions as contemplated under Section 37 of the NDPS Act and there is no change of circumstance to consider this petition, this Court is not inclined to grant bail to the petitioner.

6. Accordingly, this Criminal Original Petition is dismissed.

09.01.2023

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