



Crl.OP.No.25484 of 2023

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G.K.ILANTHIRAIYAN, J.

The petitioner, who was arrested and remanded to judicial custody on 23.07.2021 for the offences punishable under Sections 8(c), 20(b)(ii)(C), 25 & 29 (1) of NDPS Act in C.C.No.41 of 2022 on the file of the Principal Special Judge for EC and NDPS Act cases at Chennai in respect of Crime No.1402 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused were found in illegal possession of 120 Kgs of Ganja. Hence, a case was registered as against the petitioner.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the other accused persons were granted bail. Further, the petitioner was arrested and remanded to judicial custody on 23.07.2021. He also submitted that the charge sheet has been laid and so far the trial has not been commenced. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) submitted that the petitioner along with other accused were in conscious possession of 120 Kgs of Ganja. This is the seventh bail petition filed by the petitioner. Earlier petitions filed by the petitioner were dismissed by this Court. Hence, he vehemently opposed grant of bail to the petitioner.



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Crl.OP.No.25484 of 2023

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Lpp

5. There are totally 7 accused, in which the petitioner is arrayed as A6. The petitioner and A7 were in possession of 120 Kgs of Ganja. Therefore, it is a commercial quantity and the petitioner failed to satisfy the twin conditions as contemplated under Section 37 of the NDPS Act. Though this is the seventh bail petition, there is no change of circumstances in this case.

6. On perusal of the e-Court adjournment proceeding, one after another case, the petitioner was repeatedly absent by filing application under Section 317 of Cr.P.C. The Trial Court has also allowed the petition and as such, the charges were not yet framed. Therefore, the Trial Court is directed not to entertain the application under Section 317 of Cr.P.C till framing of charges and directed to commence the trial forthwith.

7. In the result, this Criminal Original Petition stands dismissed.

22.11.2023

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The Principal Special Judge for EC and NDPS Act cases,
Chennai.

Crl.O.P.No.25484 of 2023