



Crl.O.P.No.31573 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioner, who was arrested and remanded to Judicial custody on 16.04.2022 for the alleged offence punishable under Section 8(c) r/w 20(b)(ii)(C) of NDPS Act 1985, in Crime No.292 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 16.04.2022, on receipt of the secret information, the respondent police along with their team went to CB Road Subway and arrested the petitioner as he was found in possession of 21 Kgs of Ganja. Hence the complaint.

3. The learned counsel for the petitioner would submit that some unknown persons utilizing the poor family condition of the petitioner, insisted him to deliver a bundle to Chennai, and the petitioner came to know about Ganja only when the respondent police searched on him. Therefore, he is no way connected with the present case. Hence, he prays for grant of bail to the petitioner.



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4. The learned Additional Public Prosecutor submitted that there are totally two accused in this case, in which, the petitioner is arrayed as A1 and 21 Kgs of Ganja was recovered from him, which is a commercial quantity. Hence, he vehemently opposed to grant bail to the petitioner.

5. This is the fifth bail petition. Earlier, this Court dismissed the bail petitions filed by the petitioner in Crl.O.P.Nos.15589, 19742, 22617 and 27181 of 2022 dated 07.07.2022, 22.08.2022, 20.09.2022 & 14.11.2022 respectively, considering the fact that the petitioner failed to fulfil the twin conditions as contemplated under Section 37 of NDPS Act. That apart, the ground of non-compliance of Section 50 of NDPS Act, has to be considered only during the trial and not at the bail stage.

6. Taking into consideration of the facts and circumstances of the case and taking note of the fact that this Court had dismissed the earlier petitions filed by the petitioner and there is no change of circumstances. Hence, this Court is not inclined to grant anticipatory bail to the petitioner.



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7. Accordingly, this Criminal Original Petition is dismissed.

The Trial Court is directed to complete the trial within a period of six months from the date of receipt of a copy of this order.

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To

The Special Judge,
NDPS Court, Chennai.



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