



Crl.OP.No.26461 of 2023

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G.K.ILANTHIRAIYAN, J.

The petitioner, who was arrested and remanded to judicial custody on 18.05.2022 for the offences punishable under Sections 8(c) r/w 22(c) and 29(1) of Narcotic Drugs and Psychotropic Substances Act, 1985 in Crime No.307 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner and other accused were found in possession of 15 Nos of LSD Stamps in a small black polythene bag. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he is no way connected with the offence as alleged by the prosecution. Even according to the prosecution, the petitioner was not in possession of the alleged contraband and it was recovered only from one Yuvaraj. He would further submit that the petitioner is in judicial custody from 18.05.2022. Hence, he prays to grant bail to the petitioner.



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4. The Government Advocate (Crl.side) appearing for the respondent police would submit that there are totally six accused, in which the petitioner is arrayed as A3. He would further submit that the petitioner and other accused were found in possession of 15 Nos of LSD Stamps in a small black polythene bag. He also submitted that this is the fifth bail petition. Earlier petitions filed by the petitioner was dismissed by this Court. Hence, he vehemently opposed to grant bail to the petitioner.

5. It is seen that there are totally six accused, in which the petitioner is arrayed as A3. Even according to the case of the prosecution, A2 and A3 were found in possession of 15 Nos of LSD Stamps. It is a commercial quantity. Though the co-accused were granted bail, on the ground that they were not in the place of crime and they were not found in possession, they were implicated as accused only on the confession statement of the petitioner and A2. Admittedly, A2 and A3 were found in possession of the contraband, which is a commercial quantity. Further, the petitioner failed to make out a *prima facie* case to satisfy the twin conditions as contemplated under Section 37 of NDPS Act.



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6. Taking into consideration the facts and circumstances of the case and also that there is no change of circumstances after the previous dismissal orders passed on merits by this Court, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, this Criminal Original Petition is dismissed.

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