



Crl.OP.No.2228 of 2024

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G.K.ILANTHIRAIYAN, J.

The petitioner, who was arrested and remanded to judicial custody on 05.07.2021 for the offences punishable under Sections 8(c) r/w 20 (b)(ii)(C), 25 & 29(1) of Narcotic Drugs and Psychotropic Substances Act, 1985 in Crime No.29 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 05.07.2021, based on the secrete information, the respondent conducted a vehicle check-up and found that the petitioner and other accused were in illegal possession of 48 Kgs of Ganja. Hence the complaint.

3. The learned counsel appearing for the petitioner submitted that false case has been foisted as against the petitioner and he has not committed any offence as alleged by the prosecution. He further submitted that the petitioner was arrested and remanded to judicial custody on 05.07.2021 and incarcerated for the past more than three years. Hence, he prays to grant bail to the petitioner.



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4. The learned Additional Public Prosecutor submitted that the petitioner was found in possession of 48 Kgs of Ganja and it is commercial quantity. He further submitted that there are three accused in this case in which the petitioner is arrayed as first accused. The third accused has been secured now only and the trial has been commenced. That apart, the second accused once again involved in similar crime and remanded to judicial custody. Therefore, the prosecution could not complete the trial. Further, this is the tenth bail petition and this Court already dismissed the earlier petitions filed by the petitioners. If the petitioner released on bail, he would tamper the witnesses and hamper the evidence. Hence, he vehemently opposed to grant bail to the petitioner.

5. It is seen that the petitioner was found in possession of alleged contraband and there are materials to attract the offence as against the petitioner herein. Therefore, the petitioner failed to satisfied the twin conditions under Section 37 of the NDPS Act. Further this Court already dismissed the earlier bail petitions on ten occasions and there is no change in circumstances to entertain this petition.



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6. Consideration of the above facts and circumstances of the case, this Court is not inclined to grant bail to the petitioner. However, 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.

7. Accordingly, this Criminal Original Petition is dismissed.

11.09.2024

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