



Crl.O.P.No.6519 of 2024

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T.V.THAMILSELVI, J.

The petitioner, who was arrested and remanded to judicial custody on 14.02.2023 in C.C.No.686 of 2023 pending trial on the file of the learned I Additional Special Judge for exclusive trial of cases under NDPS Act, for the offences punishable under Sections 8(c) r/w 20(b)(ii)(C), 28 & 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, in connection with NCB.F.No.48/1/01/2023-NCB/MDS, on the file of the respondent police, seeks bail.

2. Learned counsel appearing for the petitioner submitted that the petitioner/A3 is an innocent person and he has nothing to do with the alleged offence. He further submitted that the petitioner is no way connected with the other accused, from whom the alleged contraband was recovered, whereas, the petitioner was falsely implicated in this case, since he was sitting beside the main accused. He also submitted that the co-accused in this case has been enlarged on bail and the petitioner is



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aged about 64 years and he is suffering incarceration from 14.02.2023.

He further submitted that the petitioner is ready to abide any stringent conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

3. The respondent has filed a detailed counter.

4. Learned Special Public Prosecutor for NCB cases appearing for the respondent police raised objection for granting bail to the petitioner stating that the petitioner along with the other accused had illegally transported 438.400 kilograms of Ganja, which is a commercial quantity. He further submitted that there are enough proof to show that the petitioner is known to other accused and further, CDR details are also available to connect the petitioner to this crime. He also submitted that the investigation in this case has been completed and the case has also been taken up for trial in C.C.No.686 of 2023 on the file of the learned I Additional Special Judge for exclusive trial of cases under NDPS Act, Chennai. He further submitted that the petitioner hails from the state of



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Andhra Pradesh and therefore, if he is released on bail, there is a possibility of him absconding and not available for further proceedings.

5. Heard the learned counsel for the petitioner and the learned Special Public Prosecutor for NCB cases and perused the materials available on record including the counter.

6. Taking into consideration the facts and circumstances of the case and the submission made by the learned counsel on either side and taking note of the huge quantity of contraband, which is also a commercial quantity, smuggled by the accused and also considering the fact that the petitioner has not satisfied the twin conditions required under Section 37 of NDPS Act, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, this Criminal Original Petition stands dismissed.

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