



Crl.O.P.No.13190 of 2024

T.V.THAMILSELVI, J.

This Criminal Original Petition has been filed by the petitioner/A2, who was arrested and remanded to judicial custody on 01.02.2024, seeking bail in Crime No.35 of 2024, registered under Sections 8(c) r/w 20(b)(ii)(C) & 29(1) of Narcotic Drugs and Psychotropic Substances Act, 1985.

2. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case and has been suffering incarceration from 01.02.2024. He further submitted that even as per the prosecution, the alleged contraband recovered from the petitioner is an intermediate quantity, hence, he prayed for bail.

3. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that, the petitioner/A2 along with A1 was found to be in illegal possession of 30 kilograms of Ganja, which is a commercial quantity. He further submitted that even though 10 kgs of Ganja was seized from the petitioner herein, both the accused are known to each other and both of them were in conscious possession. He also submitted that since the alleged contraband is a commercial quantity, the petitioner has to satisfy the twin conditions required under Section 37 of NDPS Act, whereas, the petitioner has failed to satisfy the same. He also submitted that the investigation in this case is still pending and further, the petitioner hails from the state of Andhra Pradesh, therefore, if he is released on bail at this stage, there is a possibility of him absconding and not available for further investigation. Hence, he objected for granting bail.



T.V.THAMILSELVI, J.

ham

WEB COPY

4. The respondent has filed a counter before this Court.

5. Taking into consideration the facts and circumstances of the case, submissions made by the learned Government Advocate (Crl.Side) that the investigation in this case is still pending and 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.

6. Accordingly, this Criminal Original Petition stands dismissed.

23.07.2024

ham

Crl.O.P.No.13190 of 2024