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Crl.O.P No.20554 of 2024

A.A.NAKKIRAN,J

The petitioners/A1 and A2, who were arrested and remanded to judicial custody on 21.08.2022, in connection with Crime No.93 of 2022 registered for the offences punishable under Sections 8 (c) r/w 20(b) (ii) (B) of NDPS Act, seeks bail.

2.The case of the prosecution is that on 21.08.2022, based on the secret information, the respondent police, on suspicion, has intercepted the TATA NAGAR-BANGALORE Train bearing No.12889, near Platform No.3, Katpadi Railway Station, wherein they found the petitioners/accused were in illegal possession of 23.200 Kgs of ganja leaves and seized the entire contraband. Hence the case.

3. Learned counsel for the petitioners submitted that the earlier bail petitions filed by the petitioners were dismissed by this Court. The petitioners are in judicial custody for more than 653 days. Since the police has seized 11.600 kg of the contraband from A1 and 11.500 kg from A2, it does not fall under commercial quantity. The petitioners belongs to



Jharkhand. Hence, he prayed for grant of bail to the petitioners.

4. The learned Government Advocate (Criminal Side) appearing for the respondent has submitted that the petitioners are purchasing ganja from their native place Jharkand for lower price and selling them at higher price at Bangalore. On 21.08.2022, the respondent police, on suspicion, has intercepted the TATA NAGAR-BANGALORE Train, wherein they found the accused No.1 and 2 were in joint possession of 23.200 Kgs of ganja leaves and seized the entire contraband. Further, the respondent police arrested the accused No.1 & 2, recorded their confession and also seized the said contraband. The four earlier bail petitions were already dismissed by this Court. He further submitted that the contraband seized in this case is of commercial quantity and PW1 to P.W.4 have been examined and another four witnesses alone have to be examined. However, if the petitioners are let out on bail, there is every possibility of absconding; again they will commit the similar offence and they will tamper the evidences and threaten the witnesses. Hence, he strongly opposed for grant of bail to the petitioners.

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gv



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5. This Court considered the rival submissions on either side and perused the materials placed on record.

6. Considering the fact that the seized contraband in this case is commercial quantity and also considering the fact that only four witnesses have to be examined and that there is no change of circumstances, this Court is not inclined to grant bail.

7. Accordingly, this Criminal Original Petition stands dismissed. However, the trial Court is directed to conclude the trial within a period of three months from the date of receipt of a copy of this order.

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