



Crl.O.P.No.17721 of 2024

T.V.THAMILSELVI, J.

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This Criminal Original Petition has been filed by the petitioner/A1, who was arrested and remanded to judicial custody on 07.11.2023, seeking bail in Spl.C.C.No.62 of 2024 pending on the file of the learned Special Judge for EC and NDPS Act Cases, Salem, in connection with Crime No.34 of 2023 for the alleged offences punishable under Sections 8(c), 20(b)(ii)(C), 25 & 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. He also submitted that the petitioner is no way connected with the alleged offence, whereas, he has been suffering incarceration from 07.11.2023. He further submitted that the case has also been taken up for trial on the file of the learned Special Judge for EC and NDPS Act Cases, Salem, hence, he sought for bail.

3. Learned Government Advocate (Criminal Side) appearing for the respondent police raised objection for granting bail to the petitioner/A1 stating that, the first and second accused were found to be in illegal possession of 100.500 kilo grams of Ganja (commercial quantity), which was smuggled from the state of Andhra Pradesh.



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4. He further submitted that the charge sheet was filed in this case and the same was taken up for trial in Spl.C.C.No.62 of 2024 on the file of the learned Special Judge for EC and NDPS Act Cases, Salem and further, the petitioner has failed to satisfy the twin conditions required under Section 37 of NDPS Act, therefore, he is not entitled for bail. He also submitted that one previous case of similar nature is pending against the petitioner.

5. Taking into consideration the facts and circumstances of the case, the counter filed by the learned Government Advocate (Crl.Side) and taking note of the facts that the seized contraband is commercial quantity and the petitioner has failed to satisfy the twin conditions required under Section 37 of NDPS Act and also considering that the trial has been commenced, this Court is not inclined to grant bail to the petitioner.

6. Accordingly, this Criminal Original Petition stands dismissed.

26.07.2024

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