



Crl.O.P.No.18609 of 2024

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T.V.THAMILSELVI, J.

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The petitioner, who was arrested and remanded to judicial custody on 04.05.2023, for the alleged offence under Sections 8(c) 20(b)(ii)(c), 29(1) of the Narcotic Drugs and Psychotropic Substances Act, 1985 in C.C.No. 786 of 2023 on the file of 1st Addl. Special Judge EC and NDPS Court, in Crime No.206 of 2023 on the file of the respondent police, seeks bail.

2. Learned counsel appearing for the petitioner submitted that this is the second petition and the earlier petition was dismissed by this Court in Crl.OP.No.13316 of 2024 dated 20.06.2024. He further submitted that the petitioner is an innocent person and he has been falsely implicated in this case, as if the petitioner along with other accused was found in possession of 80 kgs of ganja. He further submitted that the petitioner is in no way connected with the alleged offence as alleged by the prosecution. He further submitted that the petitioner is suffering incarceration from 04.05.2023 and he is ready to abide any stringent conditions that may be imposed by this Court. Hence, he prays for grant of bail to the petitioner.



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3. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner along with other accused was found to be in illegal possession of 80 kgs of dry ganja, which is a commercial quantity. He further submitted that there are totally 3 accused in which the petitioner is arrayed as A2. A1 was arrested on 20.03.2023 and another petitioner was arrested by P.T. Warrant on 04.05.2023. A3 is still absconding. Investigation is completed, Forensic Science Lab report was obtained on 17.05.2023 vide Nar.554/2023. Charge sheet has been filed and the case is posted for framing of charges and next hearing date is 30.08.2024. Split up petition as against A3 filed in C.C.No.581 of 2024 assigned for A3, and NBW is pending. The specific overt act against the petitioner is based on the confession statement of A1, it reveals that A1 bought bulk quantities of Ganja from A3 in Andhra Pradesh to be sold to A1 in Chennai for their personal gain. He also submitted that on 20.03.2023 in the morning A1 brought the Ganja bundles wrapped in Khaki Coloured tape, 2 kg each 40 bundles totally 80 kg and loaded it in a truck, brought to Koyambedu market, chennai and was caught by the respondent red-handed with the contraband Ganja and the petitioner is having two previous cases,



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which are all similar in nature. However, he vehemently opposed for the grant of bail to the petitioner.

4. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record.

5. Taking into consideration the quantity of the contraband seized from the petitioner is a commercial quantity, and and there is no change in circumstances, this Court is not inclined to grant bail to the petitioner.

6. Accordingly, this Criminal Original Petition stands dismissed. However, the petitioner is directed to co-operate for trial Court proceedings.

22.08.2024

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