



Crl.OP.No.28551 of 2023

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WEB C **G.K.ILANTHIRAIYAN, J.**

The petitioner, who was arrested and remanded to judicial custody on 01.02.2022 for the offences punishable under Sections 8(c) r/w 20 (b)(ii)(C), 25 & 29(1) of Narcotic Drugs and Psychotropic Substances Act, 1985 in Crime No.4 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner was found in possession of 22 Kgs of Ganja. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he is no way connected with the offence as alleged by the prosecution. He would further submit that as per the Seizure Mahazar, the contraband has been recovered from the car. The petitioner was only a Driver. He does not know about the contraband which was kept in the car. Hence, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent police would submit that there are totally two accused, in which the petitioner is arrayed as A2. He would further submit that the first accused is a regular



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offender and the petitioner is the driver of A1. Hence, he vehemently opposed to grant bail to the petitioner.

5. A perusal of records revealed that the petitioner was in possession of the contraband weighing 22 kgs, which is a commercial quantity. That apart, there is absolutely no change of circumstances to consider this 8th application for bail. Now, the Trial Court had commenced the trial and so far examined P.Ws.1 to 4.

6. Taking into consideration the facts and circumstances of the case that the petitioner and other accused were in conscious possession of 22 Kgs of Ganja and also there is no change of circumstances after the previous dismissal orders passed on merits by this Court, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, this Criminal Original Petition is dismissed.

03.01.2024

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