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Crl.O.P.No.26232 of 2023

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A.D.JAGADISH CHANDIRA, J.

The Criminal Original Petition has been filed seeking to enlarge the petitioner on bail in C.C.No.23 of 2023 pending trial on the file of the learned Additional District Judge, Special Court for EC &NDPS Act Cases, Coimbatore, in connection with Crime No.863 of 2022 registered for the offence under Sections 8(c), 20(b)(ii)(c) and 25 of Narcotic Drugs and Psychotropic Substances Act, 1985.

2. The case of the prosecution is that on 17.09.2022, on receipt of specific information regarding the illegal transportation of Ganja, respondent along with his team had conducted a vehicle check near Thottipalayam Pirivu at Avinashi Road, during which, they intercepted one Honda City car bearing registration No.TN-07-P-2277, wherein, they found that the accused (A1) was in possession of Rs.72,790/- cash and 10 kilograms of Ganja. Further, based on his confession, he was taken to his residence from where, 83 kilograms of Ganja was recovered from two



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white bags and further, one kilogram of Ganja in the petrol tank of 2 two wheelers. Thereby, totally 94 kilograms of Ganja was recovered from the first accused. The owner of the car and the relative of the petitioner absconded. The respondent, after completion of investigation filed the final report and the case has also been taken up for trial in C.C.No.23 of 2023, on the file of the Special Court for EC &NDPS Act Cases, Coimbatore. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner, aged about 28 years, is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner is a native of Bihar and he is presently employed in Coimbatore. He also submitted that earlier, the petitioner was detained under Act 14, based on the order passed by the Commissioner of Police, Coimbatore City and the same was also revoked. He further submitted that this is the second application for bail filed by the petitioner and the petitioner is languishing in prison from 17.09.2022 and thereby, he sought for bail for the petitioner on the ground of long incarceration. He further submitted that



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the petitioner is ready to offer adequate sureties for his release on bail and also prepared to abide by any stringent conditions that may be imposed by this Court.

4. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioner, who is a native of Bihar along with three other accused had been involved in illegal transportation of 10 kilograms of Ganja and from the confession statement recorded from the petitioner herein, further 84 kilograms of Ganja was recovered from his residence, which comes under commercial quantity. He further submitted that the case has been taken up for trial in C.C.No.23 of 2023 on the file of the Special Court for EC & NDPS Act Cases, Coimbatore and since the co-accused in this case are still absconding, the prosecution has filed a petition to split up the case as against the petitioner. He also submitted that the respondent would be able to complete the trial within a specific period as fixed by this Court. He further submitted that the contraband recovered from the petitioner is a commercial quantity and thereby, the petitioner has to satisfy the twin conditions required under Section 37 of



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NDPS Act for grant of bail, whereas, he has not satisfied the same.

Hence, he object for grant of bail to the petitioner.

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

6. It is the case where the petitioner was found to be in illegal possession of 10 kilograms of Ganja in his car and further, based on his confession, 84 kilograms of Ganja, which is a commercial quantity, was recovered from his residence. Taking into consideration the above facts and circumstances of the case and the submissions made by the learned Government Advocate (Crl.Side) and also considering the fact that the petitioner has not satisfied the twin conditions required under Section 37 of NDPS, this Court is not inclined to grant bail to the petitioner.



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7. Accordingly, this Criminal Original Petition stands dismissed. However, the learned trial Judge is directed to complete the trial as expeditiously as possible, preferably, within a period of six months from the date of receipt of a copy of this order.

09.02.2024

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