



Crl.OP.No.28693 of 2023

Crl.O.P.No.28698 of 2023

G.K.ILANTHIRAIYAN, J.

The petitioner, who was arrested and remanded to judicial custody on 18.05.2022, for the offences punishable under Sections 8(c) r/w 22(c), 29(1) of Narcotic Drugs and Psychotropic Substances Act, 1985 in Crime No. 307 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 18.05.2022, based on the secrete information, the respondent went to the pace of occurrence and found that the petitioner and other accused were in illegal possession of 15 packets of LSD stamp in total 240 mg. Hence the complaint.

3. The learned counsel appearing for the petitioner submitted that false case has been foisted as against the petitioner and he has not committed any offence as alleged by the prosecution. He further submitted that the petitioner was arrested and remanded to judicial custody on 18.05.2022 and incarcerated for the past fifteen months. Hence, he prays to grant bail to the petitioner.



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4. The learned Additional Public Prosecutor submitted that the petitioner was found in possession of 240 mg of LSD stamps in 15 packets and it is commercial quantity. He further submitted that the trial commenced and the petitioner failed to cross examine P.W.1 and he did not cooperate with the trial. Further, this is the fifth bail petition and this Court already dismissed the earlier four petitions filed by the petitioners. If the petitioner released on bail, he would tamper the witnesses and hamper the evidence. Hence, he vehemently opposed to grant bail to the petitioner.

5. It is seen that the petitioner was found in possession of alleged contraband and there are materials to attract the offence as against the petitioner herein. Therefore, the petitioner failed to satisfied the twin conditions under Section 37 of the NDPS Act. Further this Court already dismissed the earlier bail petitions on four occasions and there is no change in circumstances to entertain this petition. Taking consideration of the above facts and circumstances of the case, this Court is not inclined to grant bail to the petitioner.

6. Accordingly, this Criminal Original Petition is dismissed.

10.01.2024

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