



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Thursday, the Nineteenth day of November Two Thousand Fifteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) Nos.20727 and 20487 of 2015

PACKIARAJ

... PETITIONER/ACCUSED NO.4 IN
CRL.OP(MD)NO.20727/2015

1.P.CHAKKARA PRAVEEN
2.ABISHEIK

... PETITIONERS/ACCUSED RANK NOT
KNOWN IN CRL.OP(MD)NO.20487/2015

Vs

STATE REP BY
THE INSPECTOR OF POLICE
UCHIPULI POLICE STATION, RAMNAD DISTRICT.
(CRIME NO.188/2015)

... RESPONDENT / COMPLAINANT IN
BOTH THE PETITIONS

For Petitioner : M/S S.DEENADHAYALAN, Advocate in
Crl.OP(MD)No.20727/2015

M/S.K.PRABAKARAN, Advocate in
Crl.OP(MD)No.20487/2015

For Respondent : M/S.K.ANBARASAN, Govt. Advocate (Crl. Side)
in both the Petitions

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as accused in Crime No.185 of 2015 on the file of the respondent police, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Section 8(c) r/w 20(b) (ii)(C) of NDPS Act and hence, seek anticipatory bail.

2. The case of the prosecution is that on information, the respondent police went to coconut garden and they seized 45 bags each containing 2 kgs of ganja totally 90 kgs of ganja and the respondent police arrested the first accused on the spot, who is the employee of the coconut garden. As per the statement of the first accused, the case has been registered against him and three other persons.



3. The case of the petitioners is that the petitioners are innocent persons and their names were not mentioned in FIR and subsequently, based on the confession statement of the first accused, the petitioners' names have been falsely implicated in this case.

4. The learned counsel for the petitioner in Crl.O.P.No.20727 of 2015 submitted that on the date of occurrence on 08.08.2015, the petitioner Packiaraj/A4 was not in India and on that date, he was travelling from Trivandram to Sri Lanka and he returned only on 13.10.2015.

5. The learned Government Advocate(Crl.side) filed a counter affidavit stating that on 08.10.2015, when the respondent police were patrolling along with their parties near the graveyard of Alaikathavalasai Seashore, they found some persons sitting in front of a house and on seeing the police party, they ran away and on examination, they were found in illicit possession of 45 bagas of 2 kgs of ganja each wrapped in yellow colour polythene covers kept inside the house. Their confession statements reveal that the ganja was procured from the petitioners and the petitioners are from Kerala and they brought to Uchipuli on night 06.10.2015 and hoarded illicitly with the assistance of A1 to A4 with an intent to smuggle the same within a short period. The contraband was seized and the petitioners were residents of Kerala State and will not abide the condition imposed by this Court if anticipatory bail is granted to them.

6. Considering the nature and gravity of the offence and the contraband was seized in commercial quantity, I am not inclined to grant anticipatory bail to the petitioners. Hence, the petitions are dismissed.

sd/-
19/11/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1.THE INSPECTOR OF POLICE, UCHIPULI POLICE STATION,
RAMANATHAPURAM DISTRICT.

2.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
RL/3C /AMF/SARI/24/11/2015

ORDER
IN
CRL OP (MD) Nos.20727 and
20487 of 2015
Date :19/11/2015