



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) No.20913 of 2015

PARTHIBAN

... PETITIONER/ACCUSED NO.2

Vs

STATE REP BY
THE INSPECTOR OF POLICE
NIBCID, THENI.
(CRIME NO.58 OF 2015)

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S K.MAHENDRAN Advocate

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

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

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as accused No.2 in Crime No.58 of 2015 on the file of the respondent police, apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 8(c) r/w 20(b), (ii), ©, 29 and 25 of NDPS Act and hence, seeks anticipatory bail.

2. The case of the prosecution is that on information, the respondent police searched the vehicles and found 17 bags each containing 20 kgs of ganja and totally 340 kgs of ganja was seized from the first accused. The first accused was arrested and remanded to judicial custody. On the basis of confession of the first accused, the petitioner was arrayed as second accused in the above crime.

3. The case of the petitioner is that the petitioner is an innocent person and he has been falsely implicated in this case and he has no bad antecedents. The respondent has violated the procedure and did not produce the contraband before the concerned Magistrate.

4. The learned counsel for the petitioner submitted that the respondent police violated Sections 42 and 50 of NDPS Act. In support of his submission, the learned counsel for the petitioner relied on a judgment reported in **2014(2) MWN (C.) 367(SC) (Krishan Kumar Vs.State of Haryana)**.



5. The learned Government Advocate (Crl.side) submitted that the ganja was seized from the first accused and custodial interrogation of the petitioner is necessary and if the petitioner is granted anticipatory bail, he will tamper the evidence. All the Procedure contemplated by the Act has been complied with.

6. Considering the facts and circumstances of the case and the submission of learned Government Advocate that the procedure had been complied with, the judgment relied on by the learned counsel for the petitioner does not advance the case of the petitioner. considering the fact that 340 kgs of ganja i.e commercial quantity was seized and considering the gravity of the offence, I am not inclined to grant anticipatory bail to the petitioner. Hence, this petition is 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, NIBCID,
THENI.

2. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT
MADURAI

RL/3C/SK/SARI/25/11/2015

ORDER

IN

CRL OP(MD) No.20913 of 2015

Date : 19/11/2015