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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Tuesday, the Twentieth day of January Two Thousand Fifteen
PRESENT
The Hon`ble Mr.Justice P.N.PRAKASH
CRL OP(MD) No.23016 of 2014

VIJAYAKUMAR ... PETITIONER/ACCUSED NO.2

Vs

STATE.REP.BY
THE INSPECTOR OF POLICE
NIBCID, THENI, CR.NO.185/2014,
THENI DISTRICT. ... RESPONDENT/COMPLAINANT

For Petitioner : M/S.AK.AZAGARSAMI Advocate

For Respondent : MR.A.P.BALASUBRAMANI,Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.
ORDER : The Court Made the following order :-

The petitioner apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 8(c) r/w Sections 20(b)(ii)(c) and 25 of NDPS Act in Crime No.185 of 2014 on the file of the respondent police and seek anticipatory bail.

2. The case of the prosecution is that on 19.11.2014 the respondents intercepted a lorry which was carrying 104 kgs of ganja. The first and third accused were travelling in the lorry and it is alleged that when the lorry was intercepted this petitioner escaped.

3. Heard the learned counsel for the petitioner and the learned Government Advocate(Crl.side) appearing for the State.

4. The learned Government Advocate (Crl.side) would strongly oppose for grant of anticipatory bail to the petitioner.

5. In the light of overwhelming material available against this petitioner implicating him in the offence and the contraband in this case is in commercial quantity and therefore, provision of Section 37 of NDPS Act will apply.

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6. The learned counsel for the petitioner would submit that though the contraband was seized on 19.11.2014, the same was produced before the Special Court only on 17.12.2014. This, in my considered view, may not be a good ground for granting anticipatory bail in as much as there are all procedural violations emanating from Section 52 of NDPS Act, which has been held to be not mandatory by the Hon'ble Supreme Court.

7.Taking into consideration the gravity of allegations against this petitioner and in view of provision of Section 37 of NDPS Act, this Court is not inclined to grant anticipatory bail to the petitioner. Hence, this petition is dismissed.

sd/-
20/01/2015

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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.

ORDER
IN
CRL OP(MD) No.23016 of 2014
Date :20/01/2015

PA/27.01.15/2P/3C

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