



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

Friday, the Third day of July Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.9332 of 2015

THEIVAM

... PETITIONER/ ACCUSED 2

Vs

STATE REP BY:: THE INSPECTOR OF POLICE
NIB CID POLICE STATION
DINDIGUL DINDIGUL DISTRICT
CRIME NO. 101 OF 2014

... RESPONDENT(S) / COMPLAINANT

For Petitioner : M/S.A.S.SHANGEETHA Advocate

For Respondent : Mr.K.V.RAJARAJAN, Government 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 No2, apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 8(c) r/w. 20(b) (ii) © 29(1) (b) and 25 of NDPS Act in Crime No.101 of 2014 on the file of the respondent police and hence, seeks anticipatory bail.

2. The case of the prosecution is that the accused were found in possession of 380 kgs. of ganja.

3. The learned counsel for the petitioner submitted that the petitioner is implicated only based on the confession of A1 and there is no other material against him. It is further submitted that the confession of the co-accused cannot be put against him as per Section 67 of NDPS Act. In support of her contention, the learned counsel for the petitioner has relied upon the judgment reported in **2005 Cr1.L.J. 1827 (Monish H. Bhalla v. Satya Prakash Bahl)** and also submitted that the confession of the co-accused is not a substantial evidence and it can be used as a corroborative evidence.

4. The learned Government Advocate (Crl.side) submitted that this is a case of commercial quantity and the petitioner has given Rs.10 lakhs to the other accused to purchase ganja from the State of Andra Pradesh and it is further submitted that the petitioner is an accused in two previous cases of similar nature in Crime Nos.370 of 2009 and 315 of 2012. It is further submitted that the petitioner's earlier application in Crl.O.P.(MD).No.22278 of 2014 was dismissed by this Court and the same was suppressed by this petitioner.



5. Considering the facts and circumstances of the case, this Court is not inclined to grant anticipatory bail to the petitioner. Hence, this petition is dismissed.

sd/-

03/07/2015

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

TO

1 THE ADDL. PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

2 THE INSPECTOR OF POLICE
NIB CID POLICE STATION
DINDIGUL DINDIGUL DISTRICT

1. CC to M/S.A.S.SHANGEETHA Advocate SR.No.35719

DM 6 7 15

ORDER

IN

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Date :03/07/2015

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