



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

Monday, the Eighth day of August Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.13055 of 2016

PACKIARAJ

... PETITIONER/ACCUSED NO. 4

Vs

STATE REP.BY THE INSPECTOR OF POLICE
UCHIPULI POLICE STATION,
RAMANATHAPURAM DISTRICT.
CRIME NO. 188 OF 2015

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.S.VEERANASAMY Advocate

For Respondent : M/S.P.KANNITHEVAN Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

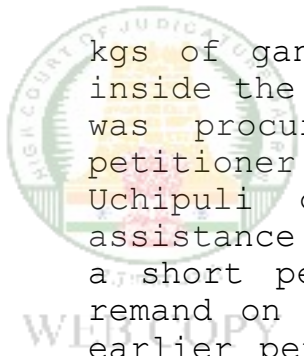
The petitioner, who is arrayed as Accused No.4, apprehends arrest at the hands of the respondent police for the offence punishable under Section 8(c) r/w 20(b), (ii)(C) of NDPS Act, in Crime No.188 of 2015, on the file of the respondent police and hence, seeks anticipatory bail.

2.The case of the prosecution is that on information, the respondent police went to a coconut garden and they seized 45 bags each containing 2 kgs of ganja and totally 90 kgs of ganja was seized 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 for the above said offence.

3.The case of the petitioner is that the petitioner is an innocent person and his name was not mentioned in the FIR and subsequently, based on the confession statement of A.1, his name has been falsely implicated in this case.

4.The learned counsel for the petitioner submitted that the petitioner was not in the place of occurrence and on that date, he was in Trivandram Airport and prayed for anticipatory bail in favour of the petitioner.

5.The learned Government Advocate (Crl.side) filed a status report 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 illegal possession of 45 bags of 2



kgs of ganja each wrapped in yellow colour polythene covers kept inside the house. Their confessions statements reveal that the ganja was procured from the petitioner and other accused and the petitioner and other accused are from Kerala and they brought to Uchipuli on night 06.10.2015 and hoarded illicitly with the assistance of A1 to A3 with an intention to smuggle the same within a short period. A.1 to A.3 were already arrested and sent for remand on 09.10.2015 and the petitioner is still absconding. The earlier petitions for anticipatory bail filed by the petitioner in Crl.O.P(MD)No.20727 of 2015 and 9753 of 2016 were dismissed by this Court on 19.11.2015 and on 06.07.2016 respectively and the petition for anticipatory bail filed by the petitioner in Crl.O.P(MD)No.2646 of 2016 was also dismissed as withdrawn on 08.03.2016 and charge sheet has been filed and yet to be taken on file. The petitioner is a holder of foreign passport No.M.0517741 dated 30.07.2014 and the same is valid upto 29.07.2024 and if the petitioner is enlarged on anticipatory bail, he will abscond.

6.Considering the nature and gravity of the offence and the contraband seized is a commercial quantity and the earlier anticipatory bail petitions were dismissed by this Court and there is every possibility for the petitioner to abscond, this Court is not inclined to grant anticipatory bail to the petitioner and accordingly this petition is dismissed.

sd/-

08/08/2016

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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.

JA-SK-SKN-SAR.I/12.08.2016/2P:3C

ORDER IN

CRL OP(MD) No.13055 of 2016

Date :08/08/2016