



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

**Thursday, the Eighth day of September Two Thousand Sixteen
PRESENT**

**The Hon`ble Mr.Justice C.T.SELVAM
CRL OP(MD) No.13657 and 13677 of 2016**

PL. ANNAMALAI

... PETITIONER/ACCUSED (RANK NOT KNOWN
IN CRL OP(MD)NO.13657/16)

P.SELVARAJ

... PETITIONER/ACCUSED (RANK NOT KNOWN
IN CRL OP(MD)NO.13677/16)

Vs

- 1 THE CENTRAL GOVERNMENT REP BY
THE COMMISSIONER OF CUSTOMS,
NO. 1, WILLIAMS ROAD, TIRUCHIRAPALLI - 620 001
- 2 THE SUPERINTENDENT OF CUSTOMS
CENTRAL INTELLIGENCE UNIT,CUSTOMS HEAD QUARTERS,
TRICHY.

(CASE UNDER O.R.NO.01 OF 2016-CIU) ... RESPONDENT/COMPLAINANT
in both petitions

For Petitioner : MR.ARL.SUNDARESAN, Senior Counsel for
M/S.K.BALASUBRAMANI Advocate in both petitions

For Respondent : M/S.C.ARUL VADIVEL @ SEKAR,
Special Public Prosecutor for Customs
in both petitions

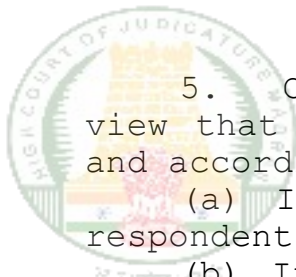
PETITIONS FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.
ORDER : The Court Made the following order :-

Petitioners pray for grant of anticipatory bail under Section 438 of Cr.P.C., in connection with the case registered under O.R.No.01 of 2016-CIU on the file of second respondent.

2. The prosecution alleges wrongful delivery of drugs by name Zolfresh in tablet form. Case stands registered for offences under Sections 8(C) r/w. 22(C) and 27 (A) and 29 of the NDPS Act as also offences under Drugs and Cosmetics Act. Insofar as, these petitioners, Owner and Manager of the distribution agency are concerned, the allegation is that they have been negligent in supplying the drug.

3. Learned Senior counsel for petitioners referred this Court to the statement of the first accused submitting that the same reveals the non involvement of the petitioners in the commission of offences alleged and that the petitioners were summoned under Section 108 of Customs Act and Section 67 of NDPS Act for the purpose of interrogation. Nothing more than negligence was attributed to them.

4. Learned Special Public Prosecutor submitted that further interrogation of the petitioners would help establishing the prosecution case. He further submits that the other accused in this case stand on a different footing, they having been charged with larger offence.



5. Considering the rival submissions, this Court is of the view that the petitioners can be granted the relief as prayed for and accordingly;

(a) In the event of arrest by or on appearance before the respondent police;

(b) In the event of appearance before the learned Additional District and Sessions Court Cum Special Court for Narcotic Drugs and Psychotropic Substances Act Cases, Pudukkottai; within 15 days from the date of receipt of copy of the order,

(i) Petitioners shall be enlarged on bail on each of them executing a bond for Rs.10,000/- (Rupees ten thousand only) with two sureties each for the like sum to their satisfaction;

(ii) The petitioners shall report before the respondent police daily at 10.30 a.m for a period of one week and thereafter, shall be available for interrogation as and when required.

sd/-

08/09/2016

/ TRUE COPY /

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

TO

- 1 THE ADDITIONAL DISTRICT & SESSIONS COURT CUM SPECIAL COURT FOR NARCOTIC DRUGS AND PSYCHTROPIC SUBSTANCES ACT CASES, PUDUKOTTAI.
- 2 THE CENTRAL GOVERNMENT
REP BY THE COMMISSIONER OF CUSTOMS, NO. 1, WILLIAMS ROAD,
TIRUCHIRAPALLI - 620 001.
- 3 THE SUPERINTENDENT OF CUSTOMS
CENTRAL INTELLIGENCE UNIT, CUSTOMS HEAD QUARTERS,
TRICHY. (CASE UNDER O.R.NO. 01 OF 2016 - CIU)
- 4 THE SPECIAL PUBLIC PROSECUTOR FOR CUSTOMS
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+2 CC to M/S.K.BALASUBRAMANI Advocate SR.No. 51114 & 51115

+2 CC to M/s.C.ARUL VADIVEL @ SEKAR,ADVOCATE SR.No. 51011 & 51012

JA-SK-SKN-SAR.I/14.09.2016/2P:9C

ORDER IN
CRL OP(MD) No.13657 and
13677 of 2016
Date :08/09/2016