



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

Tuesday, the Eighteenth day of October Two Thousand Sixteen

PRESENT

WEB COPY

The Hon`ble Mr Justice S.VAIDYANATHAN

CRL OP(MD) No.16117 of 2016

PACKIARAJ

... PETITIONER / ACCUSED NO.4

Vs

THE 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.K.V.RAJARAJAN, Govt. Advocate(Crl. Side)

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

ORDER : The Court Made the following order :-

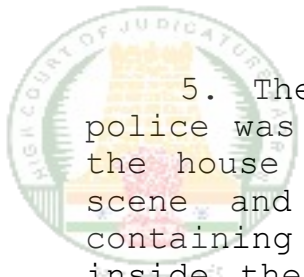
The petitioner/A4 apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 8(c) r/w 20(b), (ii) (C) of NDPS Act in Crime No.188 of 2016, on the file of the respondent police and hence seeks anticipatory bail.

2. This is fifth anticipatory bail petition. In the dismissal order of fourth petition, this Court observed as follows:

"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".

3. 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, who is the employee of the coconut garden and initially the case has been registered against the first accused and based on confession statement of the first accused, other three accused were implicated in this case.

4. The learned counsel for the petitioner submitted that the petitioner was travelling from Trivandram to Sri Lanka on the date of occurrence and he has been falsely implicated in this case.



5. The case of the prosecution is that when the respondent police was patrolling, they found some persons sitting in front of the house and on seeing police, they tried to run away from the scene and they were got and the police found 45 bags each containing 2kgs of ganja wrapped in yellow colour polythene covers inside the house of the first accused. Based on the confession, contraband was recovered and all the accused have intention of smuggling ganja.

6. The confession statement of the first accused would reveal that the petitioner and other accused stored ganja in the house of the first accused for the purpose of smuggling. Though it may be a fact that the petitioner was not present before seizure of ganja, his act in having brought ganja on 06.10.2015 and stored it illicitly in the house of the first accused for the purpose of smuggling attracts the offences under NDPS Act. The petitioner was to travel only on 08.10.2015, but the illegal act said to have taken place on 06.10.2015.

7. Considering seriousness of the offence committed by the petitioner and commercial quantity of ganja has been seized, this Court is of the view that custodial interrogation of the petitioner is required. Hence, this petition is dismissed.

sd/-

18/10/2016

/ TRUE COPY /

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

ORDER IN
CRL OP(MD) No.16117 of 2016
Date :18/10/2016

msm/ss3/sar3/14.11.16/p2/3c