



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

Tuesday, the Thirteenth day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.3867 of 2018

DURAICHI

... PETITIONER/ACCUSED No.4

Vs

STATE REPRESENTED BY,
THE INSPECTOR OF POLICE,
KOVILPATTI WEST POLICE STATION,
THOOTHUKUDI.

(IN CRIME NO.391 OF 2017)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.G.DINESH RAJ, Advocate

For Respondent : M/S.A.ROBINSON, Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioner/A4, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 8(c) and 20(b)(ii)(B) of Narcotic Drugs & Psychotropic Substances Act, 1985, in Crime No.391 of 2017, seeks anticipatory bail.

2.The case of the prosecution is that based on the secret information, the Sub Inspector of Police went to Natarajapuram, at that time, he found that the petitioner and other accused in this case were found in possession of 2.75 kgs of ganja. Hence, a case has been registered for the above said offences.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person, he has been falsely implicated in this case, he has not committed any offence as alleged by the prosecution. Hence, he prays for anticipatory bail.

4.The learned Government Advocate (Crl.side) appearing for the State submitted the stolen contraband materials were recovered. He further added that the petitioner is having four previous cases. According to him, investigation is still pending.



5. The submissions made by the learned counsel appearing on either side are considered. It is alleged, during the time of occurrence, the petitioner was found in possession of 2.75 kgs of ganja. As of now, the contraband materials were recovered by the respondent police. However, on go through the submission made by the learned Government Advocate(Crl.Side) appearing for the State, it would appear that the petitioner is having four previous cases, in which, three cases were registered under the provisions of NDPS Act. So, considering the number of previous cases pending against the petitioner, it clearly established the fact that the petitioner is a habitual offender. Therefore, considering the previous antecedents of the petitioner, this Court is not inclined to grant anticipatory to the petitioner. Accordingly, the Criminal Original Petition is dismissed.

sd/-
13/03/2018

/ TRUE COPY /

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

TO

- 1 THE INSPECTOR OF POLICE,
KOVILPATTI WEST POLICE STATION,
THOOTHUKUDI.
- 2 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.3867 of 2018
Date :13/03/2018

PK/RR-CSL/SAR-1/26.03.2018 : 2P/3C