



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

Tuesday, the Thirtieth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.951 of 2018

SUNDAR DEVA

... PETITIONER / ACCUSED NO.2

Vs

STATE REP.BY
THE SUB INSPECTOR OF POLICE,
NIBCID, THENI POLICE STATION,
THENI DISTRICT.
(CRIME NO.205 OF 2017)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.V.MAHENDRAN, Advocate

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

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

ORDER : The Court Made the following order :-

The petitioner, A2 in this case, who apprehends arrest at the hands of the respondent Police for the offence punishable under Sections 8(c), 20(b) (ii) (B) and 25 of NDPS Act in Crime No.205 of 2017, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused were found in possession of 10 kg of ganja. Hence, the present case has been registered against the petitioner.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner has not committed any offence as alleged by the prosecution and he is no way connected with the offences, and pleads for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.side) submitted that the contraband material was recovered from A1 and the investigation is still pending.

5.The submissions made by the learned counsel on either side are considered. This case has been registered for the offences punishable under Sections 8(c), 20(b) (ii) (B) and 25 of NDPS Act. It is alleged that during the time of occurrence, the petitioner permitted A1 for transporting 10 kg of ganja. As of now, the



contraband material was recovered from A1. Accordingly, nothing has to be recovered from this petitioner by way of interrogation. Further more, the property recovered in this case, is below to the commercial quantity. Apart from that the petitioner is not having any previous cases.

6. Taking all the above said aspects into consideration and having regard to the nature of offence, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Principal Special Court for EC & NDPS Act Court, Madurai, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) the petitioner shall report before the respondent Police daily at 10.30 a.m. until further orders.

(ii) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(iii) the petitioner shall not abscond either during investigation or trial.

(iv) On breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioner shall stand automatically cancelled and the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

sd/-

30/01/2018

/ TRUE COPY /

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

TO

1. THE PRINCIPAL SPECIAL JUDGE FOR EC & NDPS ACT COURT,
MADURAI.
2. THE SUB INSPECTOR OF POLICE,
NIBCID, THENI POLICE STATION, THENI DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.S.SELVAKUMAR, Advocate SR.No.1623

ORDER IN

CRL OP(MD) No.951 of 2018

Date : 30/01/2018