



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/10/2020

PRESENT

The Hon'ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD). No.6469 of 2020

Pandeeswaran

... Petitioner/Accused No.6

Vs

The State Rep. by
The Inspector of Police,
Cumbum North Police Station,
Theni District.
(Crime No.909 of 2020).

... Respondent/Complainant

For Petitioner : M/s.R.Anand,
Advocate.

For Respondent : Mr.K.R.Bharathi Kannan,
Government Advocate (Crl.Side)

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

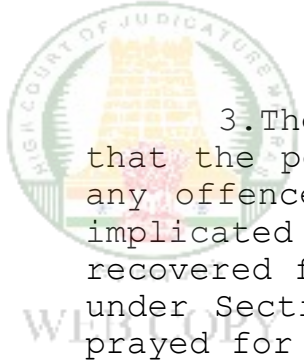
PRAYER :-

For Anticipatory Bail in Crime No.909 of 2020 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under sections 8(c), 20(b) (ii) (c), 25 and 29 (1) of NDPS Act, and Section 269 of I.P.C and Section 3 of Epidemic Diseases Act and Section 51 (b) of Disaster Management Act, in Crime No.909 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 16.06.2020 at about 07.00 hours, near New Bypass Road, Kattuva Pallivasal, on receiving a secret information, the respondent Police intercepted the petitioner along with other accused carrying two fertilizer bags containing 23 Kgs of Ganja. The said contraband was seized by the respondent police and sample has also been taken.



3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that nothing has been recovered from the petitioner. That apart, the mandatory requirement under Section 50 of NDPS Act has not been complied with. Hence, he prayed for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent has submitted that the petitioner was found in possession of 23 Kgs of Ganja. Further, the name of the petitioner has been mentioned in the FIR itself. Hence, he strongly opposed this petition.

5. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent.

6. Considering the nature of offence and also considering the fact that the contraband involved in this case comes under the commercial quantity and the petitioner has not satisfied the conditions envisaged under Section 37 (1) (b) (ii) of the NDPS Act, this Court is not inclined to grant anticipatory bail to the petitioner.

7. Accordingly, this criminal original petition is dismissed.

sd/-

05/10/2020

/ TRUE COPY /

/ /2020

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

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE INSPECTOR OF POLICE,
CUMBUM NORTH POLICE STATION,
THENI DISTRICT.
2. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER IN
CRL OP (MD) No.6469 of 2020
Date : 05/10/2020