



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.8614 of 2020

L.SUBIN

... PETITIONER/ACCUSED NO.2

VS

STATE REP.BY

THE INSPECTOR OF POLICE,
SOUTH THAMARAikulam POLICE STATION,
KANNIYAKUMARI DISTRICT.

(CRIME NO.369 OF 2020).

... RESPONDENT/COMPLAINANT

For Petitioner : M/s.J.Selvam,
Advocate.

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

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

PRAYER :-

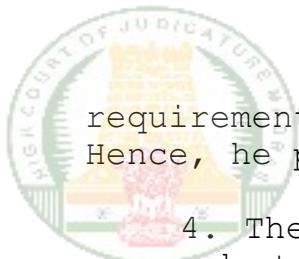
For Anticipatory Bail in Crime No.369 of 2020 on the file of the respondent police.

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), r/w 20(b) (ii) (B) and 25 of NDPS Act, in Crime No.369 of 2020 on the file of the respondent Police, seeks anticipatory bail.

2. The case of the prosecution is that on 08.08.2020 at about 12.15 hours, near Keelamanakudi Roundana, on receiving a secret information, the respondent Police intercepted the petitioner along with other accused carrying a paper parcel containing 1.100 Kg 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 has 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 received 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 1.100 Kg of Ganja. Further, the name of the petitioner has been mentioned in the FIR itself. Hence, he strongly opposed this petition.

5. 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.

6. 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,
SOUTH THAMARAIKULAM POLICE STATION,
KANNIYAKUMARI DISTRICT.
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.8614 of 2020
Date : 05/10/2020

dss
JM/PN/SAR II/08.10.2020/2P/3C