



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

Date : 23/09/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD). No.8990 of 2020

Kudai Rafiq @ Mohamed Rafiq ... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
Pattukottai Town Police Station,
Thanjavur District.
Crime No.1578 of 2020. ... Respondent/Complainant

For Petitioner : M/S.C.Bharathi,
Advocate.

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

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

PRAYER :-

For Bail in Crime No. 1578 2020 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested and remanded to judicial custody on 25.07.2020, for the offences punishable under Sections 8(c) r/w Section 20(b)(ii)(c) of NDPS Act, 1985, in Crime No.1578 of 2020 on the file of the respondent Police, seeks bail.

2.The case of the prosecution is that the petitioner was found in possession of 2.500 kgs of Ganja. Thereafter, the petitioner and the contraband were brought to the police station and the police registered a case in Cr.No.1578 of 2020 under Sections 8(c) r/w Section 20(b)(ii)(c) of NDPS Act, 1985,, and he was remanded to judicial custody.

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

<https://hcservices.mca.gov.in/Poservices>



4.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 even as per FIR, the respondent police failed to follow the mandatory requirements as contemplated under NDPS Act. Hence, he prayed for grant of bail to the petitioner.

5.The learned Government Advocate (Crl. Side) appearing for the respondent Police submitted that on receiving secret information, the petitioner was waylaid and search was conducted as contemplated under the NDPS Act and all mandatory requirements were also followed while conducting search and seizure. The petitioners were found in possession of 2.500 kgs of Ganja. He further submitted that after following mandatory requirements, the petitioner was arrested and remanded to judicial custody. He further submitted that the petitioner is having three previous cases, one is 302 and another one is arms Act, and one similar in nature and therefore, he prayed to dismiss this petition.

6.Considering the facts and circumstances of the case and also considering the rival submission on either side and on perusal of the materials available on records it is seen that the petitioner was found in possession of 2.500 gms of Ganja. Admittedly, the contraband recovered from the bag, which was carried by the petitioner. That apart the petitioner is having bad antecedents and hence, if the petitioner released on bail, he will indulge in these kinds of activities in future. Hence, this Court is not inclined to grant bail to the petitioner.

7.Accordingly, this criminal original petition is dismissed.

sd/-
23/09/2020

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/ /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,
PATTUKOTTAI TOWN POLICE STATION,
THANJAVUR DISTRICT.

2. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP (MD) No.8990 of 2020

Date : 23/09/2020

VSG

TK/VR/SAR.3/25.09.2020/3P/3C