



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 05/10/2020
PRESENT

WEB COPY

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

CRL OP(MD) . No.9862 of 2020

Eswari

... Petitioner/Accused No.2

Vs

State, represented by
The Sub Inspector of Police,
Cumbum North Police Station,
Theni District.
(Crime No.981/2020).

... Respondent/Complainant

For Petitioner : Mr.K.Mahendran,
Advocate.

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

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

PRAYER :-

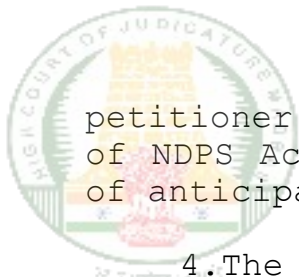
For Anticipatory Bail in Crime No.981 of 2020 on the file of the respondent police.

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) of Narcotic Drugs & Psychotropic Substances Act, 1985, in Crime No.981 of 2020 on the file of the respondent Police, seeks anticipatory bail.

2. The case of the prosecution is that on 09.05.2020 at about 12.15 hours, near Manikatti, Alamara Road, cumbam, on receiving a secret information, the respondent Police intercepted the accused No.1 carrying a bag containing 2.00 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 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 on the basis of confession statement of A1. 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 2.00 Kgs of Ganja and the name of the petitioner has been mentioned in the FIR itself. Further, the petitioner is having one previous case similar in nature. 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 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 and also considering the fact that the petitioner is having one previous case similar in nature, this Court is not inclined to grant anticipatory bail to the petitioner.

7.Accordingly, this criminal original petition is dismissed.

sd/-

05/10/2020

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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 SUB 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.9862 of 2020

Date :05/10/2020

dss

AE/SMA/SAR-II (09.10.2020) 2P 3C

<https://hcservices.ecourts.gov.in/hcservices/>