



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/10/2020

WEB COPY

PRESENT

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

CRL OP(MD). No.10248 of 2020

Karthikraja

... Petitioner/Accused No.4

Vs

The State rep. by
The Inspector of Police,
Karuppayoorani Police Station,
Madurai District.
Crime No. 1045 of 2020.

... Respondent/Complainant

For Petitioner : M/s.A.Banumathy, Advocate.

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

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

PRAYER :-

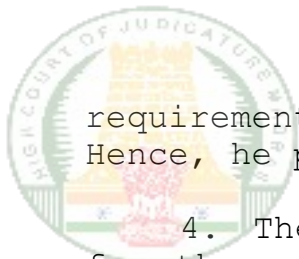
For Anticipatory Bail in Crime No. 1045 of 2020 on the file of the Respondent Police.

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 and Psychotropic Substances Act, 1985, in Crime No.1045 of 2020 on the file of the respondent Police, seeks anticipatory bail.

2. The case of the prosecution is that on 19.08.2020, at Vinteck Company's backside near compound wall, on receiving a secret information, the respondent Police conducted raid and they found accused Nos. 2 & 3 were in possession of 200 gram cannabis and the same was seized by the respondent police. Accused Nos.1 & 4 were escaped from the spot.

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 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 (Criminal Side) appearing for the respondent has submitted that the petitioner was found in possession of 1.150 kg of cannabis. 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 (Criminal 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

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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,
KARUPPAYOORANI POLICE STATION,
MADURAI DISTRICT.
2. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.10248 of 2020

Date : 05/10/2020

DSS

<https://hcservices.ecourts.gov.in/hcservices/> 09.10.2020/ 2P/3C