



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.10585 of 2020

Maheshwaran

... Petitioner/Accused No.3

Vs

State Rep. by
The Inspector of Police,
Tiruchendur Police Station,
Tiruchendur, Thoothukudi District.
Crime No.345 of 2020.

... Respondent/Complainant

For Petitioner : M/s.Pr Boomee Rajan,
Advocate.

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

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

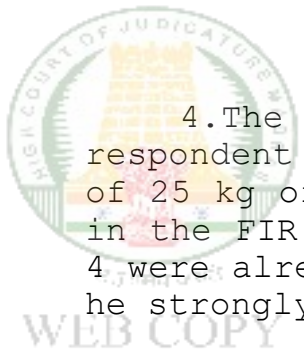
PRAYER :- For Anticipatory Bail in Cr.No.345 of 2020 on the file of the respondent police.

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) (c), 29 (1) and 25 of NDPS Act, 1985, in Crime No.345 of 2020 on the file of the respondent Police, seeks anticipatory bail.

2. The case of the prosecution is that on 15.08.2020 at about 09.00 a.m, on receiving a secret information, the respondent Police found that the petitioner along with three other accused were possession of 25 kg of Ganja. The said drug 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 & A2. 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 25 kg of Ganja and the name of the petitioner has been mentioned in the FIR itself. He further submitted that the accused Nos.1, 2 & 4 were already arrested and remanded to the judicial custody. 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, 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,
TIRUCHENDUR POLICE STATION,
TIRUCHENDUR, THOOTHUKUDI DISTRICT.
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.10585 of 2020
Date :05/10/2020

dss
JM/JC/SAR III/22.10.2020/2P/3C

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