



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

Date : 03/11/2020

PRESENT

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

CRL OP(MD).No.11935 of 2020

S.Mahesh

...Petitioner/Accused No.2

Vs

The State rep.by
The Inspector of Police,
Munneerpallam Police Station,
Tirunelveli District.
Crime No.526 of 2020.

...Respondent/Complainant

For Petitioner : Mr.G.Anto Prince,
Advocate.

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

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

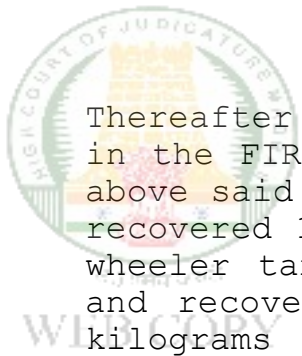
PRAYER :-

For Anticipatory Bail in Crime No.526 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who is arrayed as A2, apprehending arrest at the hands of the respondent police for the offence punishable under Sections 8(c) r/w 20(b)(ii)(C) and 25 of Narcotic Drugs & Psychotropic Substances Act, 1985, in Crime No.526 of 2020, on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that on 09.09.2020 at about 15 hours the defacto complainant one Mr.A.Sundar, who is the Sub Inspector of Police along with the other police officials were in vehicle check up duty, they found two unknown persons came in a Motor Bike namely Bajaj CD 100 bearing Registration No.TN-72-BF-2363 in a suspicious manner. Thereafter, the respondent police came to know about the name and address of such unknown persons. Subsequently, a Black Colour Chevrolet Car bearing Registration No.TN-05-AP-7270 was stopped and when the respondent police checked the vehicle, all of sudden five unknown persons came out from the above said car and tried to escape from the scene of occurrence.



Thereafter the respondent police got hold three persons as alleged in the FIR. Subsequently, on examining the persons who came in the above said two wheeler and Car, the respondent police had seized and recovered 1 pocket of Ganja about 2.10 kilograms the above said two wheeler tank pouch. Subsequently, the respondent police had seized and recovered 9 pockets of Ganja each pocket weighing about 2.10 kilograms of Ganja total quantum of Ganja recovered from the two wheeler and the above said Car was 10 pockets totally weighing about 21 Kilograms of Ganja. Hence, the present complaint is lodged against the petitioner.

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

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.

5. The learned Government Advocate (Crl. Side), on instructions, submitted that this petitioner is arrayed as A2. This petitioner and other accused persons are in possession of 21 kg of Ganja, which is more than the commercial quantity. He further submitted that the petitioner is also having three previous cases, in which two cases are similar in nature under NDPS Act, and he strongly opposed to grant anticipatory bail to the petitioner.

6. Considering the above facts and circumstances of the case and considering the fact that the petitioner and other accused persons are in possession of 21 kg of Ganja, which is more than the commercial quantity and there is bar under Section 37 of the NDPS Act and the petitioner is also having three previous cases, in which two cases are similar in nature under NDPS Act, this Court is not inclined to grant anticipatory bail to the petitioner.

7. Accordingly, the Criminal Original Petition stands dismissed.

sd/-
03/11/2020

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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



TO

1. THE INSPECTOR OF POLICE,
MUNNEERPALLAM POLICE STATION,
TIRUNELVELI DISTRICT.

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

+1. CC to M/S.G.ANTO PRINCE Advocate SR.No.7266

ORDER

IN

CRL OP(MD) No.11935 of 2020

Date : 03/11/2020

VSD

TK/PN/SAR.2/18.11.2020/3P/4C