

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2021

CORAM

THE HONOURABLE Mr.JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.20685 of 2020

1. Mani @ Manikandan
2. Ambedth @ Ambedthkar
3. Suriya

... Petitioners

Versus

State by:

Inspector of Police,
Thiruvallur Taluk Police Station,
Thiruvallur District.
(Crime No.1677 of 2020)

... Respondent

PRAYER:- Criminal Original Petition filed under Section 438 Cr.P.C., to enlarge petitioners on bail in Crime No.1677 of 2020, pending on the file of the respondent police.

For Petitioners : Mr.N.Sudharsan

For Respondent : Mr. C.Iyyappa Raj,
Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 8(c), 20 (b) (ii) (B), 25 and 29 (1) of NDPS Act, 1985 in Crime No.1677 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners were found in possession of 1.100 Kgs of Ganja in two wheelers. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would further submit that two vehicles are involved in this case and that there was no recovery from the vehicle of the petitioner. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent would vehemently oppose stating that the petitioners are habitual offenders involved in the business of selling Ganja. He would further submit that as far as the first petitioner is concerned, he has been arrested detained under Act-14. On specific information while the defacto complainant was conducting the vehicle

search on 19.09.2020, the petitioners along with other accused persons came in 2 two wheelers and on seeing the police, the petitioners left their vehicles and ran away from the scene of occurrence. On search of the vehicles, the respondent found 1.100 Kgs of Ganja in the vehicles. He would submit that insofar as the second and third petitioners are concerned, there is one previous against them registered by the respondent police in Crime No.261 of 2019 for being found in possession of 1.300 Kgs of Ganja. He would further submit that the arrested accused were released only statutory bail and that the petitioners are habitual offenders. Hence, he would oppose for grant of bail to the petitioners.

5. Recording the submission of the learned Additional Public Prosecutor that the first petitioner has been arrested detained under Act-14, this Criminal Original petition stands dismissed as infructuous, insofar as the first petitioner is concerned.

6. Taking into account the nature of offence and the fact that the 2nd and 3rd petitioners have involved in one previous case of similar nature, registered in Crime No.261 of 2019, this Court is not inclined to grant anticipatory bail to the 2nd and 3rd petitioners.

7. Accordingly, this Criminal Original Petition is dismissed insofar as the 2nd and 3rd petitioners are concerned.

-sd/-

05/01/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

2 INSPECTOR OF POLICE,
THIRUVALLUR TALUK POLICE STATION,
THIRUVALLUR DISTRICT.

CC to M/S. N.SUDHARSAN Advocate on payment of necessary charges

CRL OP.20685/2020

Date :05/01/2021

RVR 25/01/2021