



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 29.09.2021

PRONOUNCED ON : 06.10.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

CRL.O.P.No.17768 of 2021

Manikandan

...Petitioner

Versus

State rep.by
The Inspector of Police,
Thiruvallur Taluk Police Station,
Tiruvallur District.
(Cr.NO.158/2021)

...Respondent

PRAYER: Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioner on bail in the event of arrest by the respondent Police in Crime No.158 of 2021 on the file of the respondent Police.

For Petitioner : Mr.D.Selvaraju

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl. Side)

O R D E R

The petitioner, who apprehends arrest for the alleged offence under Section 8(c) r/w 20(b)(ii)(C), 25, 29(1) NDPS Act in Cr.No.158 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 25.04.2021, the petitioner along with other accused persons were in illegal possession of 1.9 kgs of Ganja and the same was seized by the respondent Police leading to the registration of the case.

3. The learned counsel appearing for the petitioner submitted that the petitioner is in no way connected with the alleged offence and further he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. It is further submitted by the learned counsel for the petitioner that the petitioner was not present at the scene of occurrence and no contraband was seized from the petitioner. However, the petitioner has been roped in as an accused only based on the information by the other accused persons and, therefore, there being no material against the petitioner, he prays for grant of anticipatory bail.



4. The learned Government Advocate (Crl.Side) submitted that investigation is pending in this case. He further submits that the petitioner and other accused persons were involved in illegal sale of ganja products and were also in possession of around 1.9 Kgs., of ganja. He further submitted that contraband was seized from the petitioner and the case was registered against him. It is also submitted by the learned Government Advocate that there are four previous cases against the petitioner. Hence, he strongly opposed to grant anticipatory bail to the petitioner.

5. This Court gave its anxious consideration to the submission advanced by the learned counsel appearing for the parties and perused the materials available on record.

6. Though it is the submission of the learned counsel for the petitioner that no contraband was seized from the petitioner and that he has been roped into this case only on the statement made by the other accused persons and, therefore, he may be enlarged on anticipatory bail, however, it is the stand of the respondents that contraband was seized from the petitioner and further investigation is also pending. In the above backdrop, this Court is of the considered view that investigation being still carried out and the petitioner is also said to have been in possession of the contraband, therefore, granting anticipatory bail to the petitioner at the present point of time would be detrimental to the conduct of investigation. Further it is alleged that there are four previous cases against the petitioner. In such a backdrop, this Court is of the considered view that the petitioner should canvass the point of his not being in possession of contraband only after investigation is complete and he cannot, at the present time, claim that he was not in possession of any contraband and, therefore, he cannot be fastened with any liability. However, this Court is not expressing any opinion on the same, but in view of the above, this Court is not inclined to grant anticipatory bail as sought for.

7. For the reasons aforesaid, this Criminal Original Petition is dismissed

-sd/-

06/10/2021

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

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.D.SELVARAJU Advocate on payment of necessary charges
SR.NO.11102

CRL OP.17768/2021

Date :06/10/2021

CSK 22/10/2021