



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

Date : 15/06/2021

PRESENT

WEB COPY

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD)No.7777 of 2021

K.Shakthivel

... Petitioner/Accused No.7

Vs

The State rep.by
The Inspector of Police,
Ramanathapuram Police Station,
Ramanathapuram District.
Crime No. 624 of 2020.

... Respondent/Complainant

For Petitioner : Mr.K.S.Duraipandian,
Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

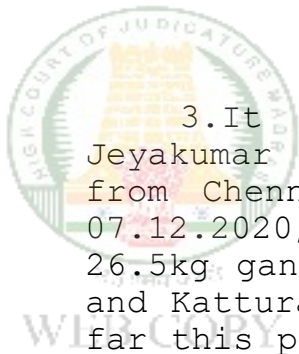
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :- For Anticipatory Bail in Crime No.624 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 8(c), 20(b)(ii)(c), 25, 29(1) NDPS Act, 1985 r/w Sections 20 and 30 of the Arms Act, 1959 in Crime No.624 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 08.12.2020, at about 08.00 am., when the police party involved in checking of vehicle at Muthukulathur Selvanayagam Junction road, two persons came there by walking and on seeing the police, they have thrown a big pocket in a push. They were apprehended and on enquiry, they revealed their name as Baskarasethupath and Nagamuneeshwaran. On verification, it was found that pocket thrown by them contained 2.8kg ganja. Thereafter, on the basis of the confession statement of A1, the police went to the house of one Jeyakumar at 15 hours and found Jeyakumar, Radhakrishnan, Vilvanathan @ Akkapore, Pandi @ Muthupandi then they identified ganja and three swords in the house of Jeyakumar. Then, they recorded the confession statement of the said



3.It is seen from the confession statement of the said Jeyakumar that one Sakthivel and one Thavamani used to buy ganja from Chennai and Madurai and give it for sale, accordingly, on 07.12.2020, the above said Sakthivel and Thavamani handed over 26.5kg ganja. At that time, Radhakrishnan, Vilvanathan @ Akkapore and Katturaja were present and they were used to sell the ganja. So far this petitioner is concerned, he used to buy ganja from Chennai and Madurai and supply the same to the other accused for sale. Hence, the complaint.

4.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated on the basis of the confession statement of A1 and there is no recovery from the petitioner. Therefore, he seeks anticipatory bail to the petitioner.

5.The learned Government Advocate(Crl.Side) appearing for the respondent police strongly opposed this petition on the ground that the contraband involved in this case is a commercial quantity and there is prohibition under Section 37 NDPS Act to grant bail to the person, who in possession of commercial quantity and hence, he seeks dismissal of this petition.

6.As per the case of the prosecution the ganja involved in this case is 23.7kg and it is commercial quantity. So far as the commercial quantity is concerned, Section 37 NDPS Act mandates that the accused should establish that there are reasonable grounds for believing that he is not guilty of such offence and that he is not likely to commit any offence while on bail. Therefore, only because there is no recovery, the petitioner cannot be exonerated from this case. Since commercial quantity of ganja is said to have been seized in this case in the course of the same transaction, the petitioner has not satisfied the condition that there are reasonable ground to believe that he is not guilty of this offence he will not commit similar offence while on bail. Therefore, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, this criminal original petition is dismissed.

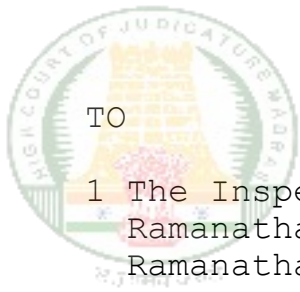
sd/-
15/06/2021

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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



TO

1 The Inspector of Police,
Ramanathapuram Police Station,
Ramanathapuram District.

2 The Additional Public Prosecutor
Madurai Bench of Madras High Court, Madurai.

ORDER

IN

CRL OP(MD) No.7777 of 2021

Date :15/06/2021

GNS

AE/PN/SAR-III/24.06.2021/3P/3C