



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

Date : 16.07.2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

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CRL OP(MD)No.8979 of 2021

1.Muhammed Anas
2.Shalini

... Petitioners/Accused

Vs

State Represented through,
The Inspector of Police,
Arumanai Police Station,
Kanyakumari District.
Crime No.344 of 2021

... Respondent/Complainant

For Petitioners : Mr.J.Vijayaraja

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.344 of 2021 on the file of
the respondent Police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under sections 8(c), 20(b)(ii)(C) and 25 of Narcotic Drugs and Psychotropic Substances Act, 1985, in Crime No.344 of 2021, seek anticipatory bail.

2.The case of the prosecution is that on 20.06.2021, at about 02.00 am, a secret informant informed the defacto complainant that Ganja is illegally transported in a car bearing Registration No.KL 01 CD 5690 near Pandhipalam. The secret informant told that he would identify the place where car is parked. The defacto complainant recorded the above message and intimated the same to the Superior Officer and after getting permission from the Superior Officer, proceeded to the spot along with Police Officials and the informant. They reached the spot at 03.00 am. On seeing the Police party, the persons standing near the Shift Dzire car bearing Registration No.KL 01 CD 5690 escaped from there. Search was conducted in the car and 100 packets of Ganja were found. Further, copy of Aadhar Card of Muhammed Anas and copy of Election ID card of Shalini were found. The total Ganja recovered is 210 Kgs. Therefore, this case.



3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they did not commit any offence as alleged by the prosecution. He further submitted that they have no connection with the alleged seizure of Ganja in car bearing Registration No.KL 01 CD 5690. Therefore, he seeks anticipatory bail to the petitioners.

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4.The learned Government Advocate (Criminal Side) opposed this petition on the ground that the accused are still absconding. He further submitted that the First Information Report was registered only on 20.06.2021, investigation is in preliminary stage and seeks dismissal of the petition.

5. This is a case of illegal possession of 210 Kgs of Ganja in car bearing Registration No.KL 01 CD 5690. First Information Report was registered only on 20.06.2021. The petitioners claim that they are no way connected with the Aadhar card and Election ID card copies found in the car. Since, the investigation is in preliminary stage, this aspect cannot be considered now. The Ganja involved in this case is commercial quantity. Even for grant of bail, the accused has to satisfy the conditions contemplated under Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985. This is anticipatory bail application. Taking the above factors into consideration, this Court is of the considered view that custodial interrogation of the petitioners/accused is necessary and this Court is not inclined to grant anticipatory bail to the petitioners. Accordingly, this Criminal Original Petition is dismissed.

sd/-

16/07/2021

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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 concerned.

TO

1.The Inspector of Police,
Arumanai Police Station,
Kanyakumari District.

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

+1 CC to M/s.M/S.J.VIJAYARAJA, Advocate (SR-4677[I] dated 19/07/2021)

<https://hcservices.ecourts.gov.in/hcservices/>

CN(22.07.2021) 2P 4C