



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

Tuesday, the Twenty Third day of November Two Thousand and Twenty One

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) No.18187 of 2021

1 PRASANNA

2 RAJESH

... PETITIONER / PETITIONER/ ACCUSED NO.2 & 3

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
PATTIVEERANPATTI POLICE STATION,
DINDIGUL DISTRICT
(CRIME NO.288 OF 2021)

... RESPONDENT/ RESPONDENT/ COMPLAINANT

For Petitioner : Mr.S.SIVAPRAKASH, Advocate.

For Respondent : MR.E.ANTONY SAHAYA PRABAHAR,
Additional Public Prosecutor

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

Prayer:-For Anticipatory Bail in Crime No.288 of 2021 on the file of the respondent Police.

ORDER : The Court Made the following order :-

The petitioners apprehend arrest at the hands of the respondent police for the offences punishable under sections 8(c) and 20(b)(ii) (c) and 25 of Narcotic Drugs and Psychotropic Substances Act, 1985, in Crime No.288 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 02.05.2021 at about 3.30 a.m, when the respondent along with other police officers under the surveillance, near Sitharevu Panchayat Office, the found that the petitioners along with A1 having possession of some plastic big sock with 22 kgs of Ganja in their two wheeler bearing registration No.TN-57-BJ-8413, Bajaj CT 100. Hence, the case has been registered before the respondent police.

3.The learned counsel appearing for the petitioners would submit that due to previous motive, the petitioners were implicated

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previous bad antecedents. The learned counsel further submits that there is no independent witness in this case and the complainant has been lodged only by the police officials.

4.The learned Additional Public Prosecutor, submits that in this case, A1 was arrested and on his confession the other accused persons were implicated in this case and they have possessed huge quantity of contraband materials. He would further submit that for the purpose of granting anticipatory bail, the petitioners have to satisfy the requirements of Section 37 of the NDPS Act.

5.The only on which this petition came to be filed that after the investigation is over, the final report has been filed before the concerned Special Court and now it is pending. So considering the quantity of the contraband that is involved in this matter the earlier application came to be dismissed stating that the requirement under Section 37 of the Act has not been complied. Even though the final report has been filed and taken cognizance, even today the requirement of section 37 of the Act has not been satisfied except stating that only on the basis of the confession statement of the co-accused, this petitioners have been arrayed as accused and no previous case is pending against him. Apart from the fact, the final report has been filed before the concerned court.

6.In view of the above facts, I find no merit in this case. Accordingly, this criminal original petition deserves to be dismissed and accordingly, **dismissed**.

sd/-

23/11/2021

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/ /2021

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE INSPECTOR OF POLICE
PATTIVEERANPATTI POLICE STATION, DINDIGUL DISTRICT.

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

ORDER

IN

CRL OP(MD) No.18187 of 2021

Date :23/11/2021

ER

MK/VR/SAR.II/29.11.2021/2P/3C