



WEB COPY

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

Dated: 11/01/2022

PRESENT

The Hon'ble Mr.Justice G.ILANGO VAN

CrI.OP (MD) Nos.68 of 2022

Siranjeevi

... Petitioner/13th Accused

Vs.

State rep. By
The Inspector of Police,
Palani Taluk Police Station,
Dindigul District.
(Crime No.678 of 2021)

... Respondent/Complainant

For Petitioner : M/s.T.Lenin Kumar, Advocate
For Respondent : M/s.SS.Madhavan
Government Advocate(CrI. side)

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

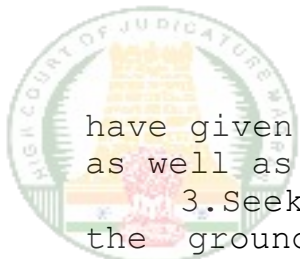
PRAYER :-

For Anticipatory Bail in Crime No.678 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order:-

The petitioner, who is arrayed as A13 apprehending arrest at the hands of the respondent police for the alleged offence under section 8(c) r/w 20(b)(ii)(B) of NDPS Act, in Crime No.678 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that on 29/09/2021, on a secret information, the police team went to the place of occurrence and they found a motor cycle bearing registration No.TN-04-K-1819 came in Palani to Kodaikanal road. The Police intercepted the vehicle at Ayyampulli check-post and at that time, 11 accused persons were in possession of 1400 kgs of ganja. The accused 1 to 8



have given a statement they are transporting ganja to the petitioner as well as A12 namely Gopi @ Gopinath.

3. Seeking anticipatory bail, this petition came to be filed on the ground that on the date of the alleged occurrence, this petitioner was in Tirupur and on 26/07/2021, he travelled from Payyanur to Tirupur through train and stayed in a lodge. To show the same, he has also enclosed the train ticket and the receipt issued by the lodge in-charge.

4. It is a case of commercial quantity. Now it is the case of the petitioner that only on the basis of the confession statement of the co-accused, this petitioner's name is inclined. Since it is a commercial quantity, this petitioner has to satisfy the twin conditions of section 37 of the NDPS Act. Except stating that on the date of the occurrence, he was in Tiruppur and he was travelling from Payyanur to Tiruppur through train, other particulars are not available. Even if considering that on the date of the occurrence, the petitioner was in Tiruppur, from the own averments made in this petition, it is seen that the co-accused has given statement that they are transporting the ganja for the purpose of selling to the petitioner and other co-accused. When that being the position, travelling on the date of occurrence as well as the advance receipt that has been issued by the concerned lodge are not sufficient enough to satisfy the requirement under section 37 of the NDPS Act.

5. I absolutely find no merit in this application and accordingly, it is liable to be dismissed.

6. In fine, this criminal original petition is **dismissed**.

Sd/-

11/01/2022

/ TRUE COPY /

/ /2022

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

TO

1. THE INSPECTOR OF POLICE,
PALANI TALUK POLICE STATION,
DINDIGUL DISTRICT.
2. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.68 of 2022

Date : 11/01/2022

SP/PN/SAR II/20/01/2022/2P/3C