



WEB COPY

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

Dated: 09/02/2022

PRESENT

The Hon'ble Mr.Justice G.ILANGO VAN

Cr1.OP (MD) No.1084 of 2022

John Mohamed

... Petitioner/Accused No.2

Vs.

Union of India,
through The Intelligence Officer,
Narcotics Control Bureau,
Madurai Sub-Zone,
Madurai.

(NCB F.48/1/05/2021-NCB-MDU)

... Respondent/Complainant

For Petitioner : M/s.G.Dhanalakshmi, Advocate

For Respondent : M/s.C.Arul Vadivel @ Sekar
Special Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in NCB F.48/1/05/2021-NCB-MDU) on the
file of the Respondent Police.

ORDER : The Court made the following order:-

The petitioner, who is arrayed as A2 apprehending arrest at
the hands of the respondent police for the offences punishable under
sections 25A, 23, 28 and 29 of NDPS Act, 1985 r/w section 9A of NDPS
Act in NCB F.48/1/05/2021-NCB-MDU) on the file of the respondent
police, seeks anticipatory bail.

2.The petitioner is facing the charges for the offences under
sections 25A, 23, 28 and 29 of NDPS Act, 1985 r/w section 9A of NDPS
Act.

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

3.Heard both sides.



4. Reading of the counter as well as the complaint that has been filed by the respondent police, it is seen that only the petitioner alleged to have sent the contraband to the co-accused. It also seen that the co-accused alleged to have forged the Aathar Card and used the fake name for the purpose of committing the offence. The case involves international trade of Narcotics substance.

5. This petition came to be filed by the petitioner mainly on the ground that the co-accused has been granted bail in CrI.OP(MD) NO.18753 of 2021, dated 23/12/2021 and the co-accused Shahul Hameed, who alleged to have forged the document for the purpose of committing the crime. So granted bail considering the duration of the period. He was also arrested on 08/08/2021 and the order of bail was granted on 23/12/2021. So the petitioner cannot take advantage of the above said order. Since the international trade of contraband is involved, the petitioner is not entitled for the discretionary relief of anticipatory bail.

6. Now the complaint has been filed before the Special Court showing this petitioner as absconding accused. So the petitioner has to surrender before the concerned court and work out his remedy.

7. It is submitted by the learned Special Public Prosecutor appearing for the respondent that the offence of such ramification requires custodial interrogation, in view of the new facts during the course of investigation, there is every possibility of filing additional complaint etc. So considering the seriousness of the offence, this court is not inclined to grant anticipatory bail to the petitioner by exercising the discretionary power of anticipatory bail.

8. In the result, this criminal original petition is **dismissed**.

Sd/-
09/02/2022

/ TRUE COPY /

/ /2022
Sub-Assistant Registrar (C.S.II)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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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.



1. UNION OF INDIA THROUGH
THE INTELLIGENCE OFFICER,
NARCOTICS CONTROL
BUREAU, MADURAI SUB-ZONE,
MADURAI.

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

+1. CC to M/S.DHANALAKSHMI G Advocate SR.No.955

ORDER
IN
CRL OP (MD) No.1084 of 2022
Date :09/02/2022

SP/VR/SAR II/16/02/2022/3P/4C