



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

Date : 28/10/2022

PRESENT

WEB COPY

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD) . No.5797 of 2022

Selvendran

... Petitioner/Accused No.4

Vs

The State Rep. By,
The Inspector of Police,
Theni NIB-CID,
Theni District.
(Crime No.10 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Jegadeesh Pandian M,
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.10 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/A4, who apprehends arrest at the hands of the respondent police for the offence under Sections 8(c) r/w 20(b)(ii) (C) of NDPS Act, in Crime No.10 of 2022, seeks anticipatory bail. Initially, the case was registered by the Varusanadu Police Station in Crime No.173 of 2021.

2.The case of the prosecution is that on 12.12.2021, based on the secret information given by the informant, the respondent police went to Paniangarai Pandara Oothu at 10.00 a.m., and found the accused 1 and 2 were in possession of 25kgs of Ganja each illegally. Based on the confession statement given by A1 and A2, the respondent police seized another 25kgs of Ganja in the same area, which was kept hidden by the petitioner and A3. The said contraband was smuggled from Andhra Pradesh in the vehicle belonging to A3. Hence, the case.



3.The learned counsel for the petitioner would submit that based on the confession statement of A1 and A2, he has been arrayed as A4 in this case and the petitioner is innocent and there was no recovery from the petitioner. Hence, he prays for anticipatory bail.

4.The learned Government Advocate (Crl.Side) would submit that the quantity involved in this case is a commercial quantity and the petitioner has also actively involved in the offence not only in his capacity, while acting as partner of A1 to sell the Ganja but also to secretly store the said contraband. The investigation is still pending and hence, he strongly opposed to grant anticipatory bail.

5.Considering the gravity and nature of the offence and also considering the quantity of Ganja involved in this case is a commercial quantity and the investigation is pending, this Court is not inclined to grant anticipatory bail to the petitioner.

6.Accordingly, this Criminal Original Petition is dismissed.

sd/-
28/10/2022

/ TRUE COPY /

/11/2022

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

TO

1. THE INSPECTOR OF POLICE
THENI NIB-CID,
THENI DISTRICT.
2. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.5797 of 2022
Date :28/10/2022

sjj
USK/VR/SAR-II/08.11.2022/2P/3C