

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Dated: 02/09/2022

PRESENT

The Hon'ble Mr.Justice **G.ILANGOVAN**

Cr1.OP(MD)No.8329 of 2022

Ganesan :Petitioner/A3

Vs.

State through
The Inspector of Police,
Natham Police Station,
Dindigul District.
(In Crime No.71 of 2022)

: Respondent/Complainant

For Petitioners : Mr.Mohamed Ansar.S

For Respondent : Mr.T.Senthil Kumar
Additional Public Prosecutor

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

PRAYER:-

C-32AB.For Anticipatory Bail in Crime No.71 of 2022
on the file of the Respondent Police.

ORDER : The Court made the following order:-

The petitioner, who is arrayed as A3 apprehending arrest at the hands of the respondent police for the offences punishable under sections 8(c), 20(b), (ii) (C), 25 and 29(1) of NDPS Act, 1985, in Crime No.71 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the de-facto complainant is the Inspector of Police working in the police station of the respondent. On 20/02/2022 at about 7.20 am, on secrete information from the police informer along with other team of police people, they were on surveillance near Senthurai Junction. At about 11.00 pm, a TATA Car bearing Registration No.TN-57-BF-3861 was proceedings from Thuvarangurichi to Sanarpatti. The above said vehicle was identified by the police informer. When that was intercepted, one of the accused escaped from that place. The driver was apprehended and disclosed his name as Gunasekaran and about the escaped person he told that he was one Alagu. After the above said disclosure, search was made and on that basis, the above said vehicle

was found in possession of 7 bags ganja weighing 20 kgs each. After that, as per the procedure, sampling was undertaken and the above said accused was arrested and remanded to judicial custody. On the basis of the confession statement, it came to light that one Ganeshan is the merchant of trading of ganja and he used to go to Andhra Pradesh and other places for the purpose of purchasing ganja. After purchasing the same, they used to sell the same through Arunpandi, Muthupandi, Amsupandi and Saravanan. So on the basis of the above said confession statement, the involvement of the other accused persons came to light.

3.Now seeking anticipatory bail, the above said Ganeshan, who has been mentioned as Merchant of the illegal Trading of ganja, moved this petition on the ground that except the confession statement of the co-accused, no other material has been collected during the course of investigation to implicate this petitioner in the offence.

4.Heard both sides.

5.The learned Additional Public Prosecutor would submit that one Ramasamy gave statement to the effect that the above said vehicle, which is involved in the transportation of ganja was hired by the above said Ganesan. On that particular date, it was taken stating that they wants to visit temple.

6.When such a huge quantity of ganja has been seized and on the statement of the co-accused, this petitioner has been implicated, as stated above, the petitioner, who is a ganja Trader is not entitled to the relief of anticipatory bail. It requires thorough investigation by subjecting the petitioner to custodial interrogation. So, I find absolutely no merit in this petition and necessarily the petitioner has to comply the requirement of section 37 of the NDPS Act. Except stating that the petitioner is not involved in the above said illegal trading of ganja, no other material has been brought on record.

7.In the result, this criminal original petition is
dismissed.

(G I J)
02.09.2022

Index:Yes/No
Internet:Yes/No

er

G.ILANGOVAN ,J
er

Cr1.OP (MD) No.8329 of 2022

02/09/2022

