



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 09/03/2023
PRESENT

WEB COPY

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL.O.P(MD).No.3573 of 2023

Satham Hussian

... Petitioner/Petitioner/Accused No.3

Vs.

The State represented by
The Inspector of Police,
Thanjavur South Police Station,
Thanjavur District
(Crime No.1033 of 2022)

... Respondent/Respondent/Complainant

For Petitioner : Mr.M.Saravanakumar, Advocate

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

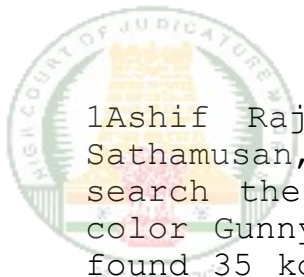
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :- For Anticipatory Bail in Crime No.1033/22 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under sections 8(c), 20(b)(ii)(C) of Narcotic Drugs & Psychotropic Substances Act, 1985 in Crime No.1033 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 24.08.2022, at about 19.30 hours, the respondent police went to their regular raid at Weigh Bridge near Thanjavur Old Railway quarters. The respondent police saw a vehicle parked in a suspicious manner, lorry bearing Regis No TN 52 F 3256 which is closed with Tarpaulin at that time one person tried to transfer one bag from the said lorry and two person were standing along with him near the said lorry. And another lorry also parked nearby that bearing Registration No. TN-58-PW-5308, two more persons also standing nearby this lorry. On seeing the respondent police all the five accused were tried to escape but the respondent Police apprehended five accused namely Accused no.



1Ashif Raja, Accused No. 2 Asarudeen, Petitioner /Accu .3 Sathamusan, Accused no. 4 Sanjai and Accused No.5 Manickaraj. On search the respondent police found 93 kg of Ganja in three white color Gunny bag from the above said lorry no TN 58 PW 5308 and also found 35 kg of Ganja in a white color Gunny bag from the above said lorry No. TN-52-F-3256. During enquiry, it reveals that the entire contraband was purchased by Accused No.6 namely Chadran from Accused No.7 namely Jeayaraj from Andra Pradesh. The said contraband was transported by the above said vehicle no. TN-58-PW-5308, with an intention to sell in local area. Further the investigation reveals that all the accused actively involved in drug trafficking. After completing the procedures as contemplated under NDPS Act, the Respondent Police seized the entire contraband of 128 Kg of Ganja from the accused Persons (A1 to A5) and arrested them along with two Vehicles.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He would seek anticipatory bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner along with other accused persons jointly was in possession of 128 kgs of ganja, which is a commercial quantity and the bail petition filed by the co-accused was dismissed with a direction to complete the trial within a period of 6 weeks. Further, the twin conditions as stipulated under Section 37 of NDPS have not been complied with by the petitioner and he strongly opposed to grant anticipatory bail to the petitioner.

5. Considering the fact that the petitioner was in possession of commercial quantity of ganja and he has nt complied with the twin conditions stipulated under Section 37 of NDPS Act, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, this petition is dismissed.

sd/-

09/03/2023

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/03/2023

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

CM
TO

1 THE INSPECTOR OF POLICE,
THANJAVUR SOUTH POLICE STATION,
THANJAVUR DISTRICT

<https://www.mhc.tn.gov.in/judis>



2 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

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

ORDER

IN

CRL OP (MD) No.3573 of 2023

Date :09/03/2023

SA/MMS/SAR.3/21.03.2023/3P/4C