



Crl.OP(MD)No.16801 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Dated: 20/09/2023

THE HON'BLE MR JUSTICE G.ILANGO VAN

Crl.OP(MD)No.16801 of 2023

Riyash @ Riyas

... Petitioner/ Accused No.8

Vs.

The State of Tamil Nadu
rep. by its Inspector of Police,
Vadamadurai Police Station,
Dindigul District.
(Crime No.1484 of 2020)

... Respondent/ Complainant

For Petitioner : Mr.R.Babu Jeganath, Advocate

For Respondent : Mr.S.Ravi
Additional Public Prosecutor

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

PRAYER:- For Anticipatory Bail in Crime No.1484 of 2020 on the file of the respondent police.

ORDER: The Court made the following order:-

The petitioner, who is arrayed as A8 apprehends arrest at the hands of the respondent police for the offences punishable under sections 8(c) and 20(b)(ii)(c) of

NDPS Act, in Crime No.1484 of 2020 on the file of the respondent police, seeks

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anticipatory bail.

2.The case of the prosecution is that on 25/09/2020 at about 02.00 pm, the de-facto complainant received secret information, recorded the same in the diary. After getting proper permission from the higher authorities, along with the police team measuring tools and others, they were on surveillance near Thangamapatti check post. At that they, they found a four wheeler bearing registration No.TN-57-BH-7936, intercepted it. On enquiry, the driver stated his name as Sonaimuthu and other occupant as Krishnan. On suspicion, they made search and found in possession of 5 gunny bags containing 40 kgs of Ganja. Sampling was taken as per the rules. The accused were arrested. On enquiry, they revealed that one Ragavan was financially helping him in purchasing Ganja and purchased Ganja from one Baranai Vallavan. They made search in the house of Baranivallavan. In that place, they found one Pandiyappan and Yuvaraj. They were apprehended. On enquiry, they revealed that they purchased 120 kgs of Ganja from Andhara Pradesh, hiding the same to in the house of Baranivallavan and selling the same to various persons. They also disclosed the involvement of one Jayasankar. It was handed over to one Riyash @ Riyas, the petitioner herein. The above said Riyash @ Riyas used to send the same in and around Ramanathapuram. On his disclosure, 100 kgs of Ganja was seized. Sampling was also undertaken as per the rules. The vehicle was also seized. Upon which, a case



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in Crime No.1484 of 2020 was registered for the offences stated above.

3.After completing the investigation, final report was filed showing this petitioner as absconding accused.

4.Seeking anticipatory bail, this petition has been filed on the ground that no material has been collected during the course of investigation to implicate this petitioner and only based upon the confession statement of the co-accused, he has been implicated.

5.Heard both sides.

6.The earlier application filed by the petitioner came to be dismissed in Crl.OP (MD)No.13992 of 2022, dated 23/11/2022 on the ground that the recovery quantity is a commercial quantity and the investigation is in the preliminary stage.

7.Now after completing the investigation, it has been taken cognizance by the Special Court in CC No.461 of 2022. Warrant was issued, on 08/09/2023.

8.Reading of the FIR as well as connected materials collected during the course of investigation shows that it is a large scale inter-state drug trafficking offence. Huge quantity of the contraband has been recovered.

9.According to the prosecution, this petitioner used to purchase Ganja from the co-accused and selling the same in and around Ramanathapuram area. So when huge quantity of contraband is involved and it is also seized, that too it is a single



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transaction, unless this petitioner is able to satisfy the requirement of section 37 of NDPS Act, he is not entitled for any discretionary relief. The vehicle, which belongs to the petitioner bearing registration No.TN-57-BH-7936 has been used by the accused persons for the purpose of transporting the contraband and enough materials have also been collected. So, the contention on the part of the petitioner that no proper material is available to link this petitioner is not at all correct on record.

10.Considering the commercial quantity involved in this case, the petitioner has to surrender before the trial court and seek regular bail, of course, by satisfying the requirement of section 37 of the NDPS Act. So, I find no reason to entertain this petition.

11.In the result, this criminal original petition stands dismissed.

sd/-
20/09/2023

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/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

ER
TO

1 THE INSPECTOR OF POLICE
VADAMADURAI POLICE STATION,
DINDIGUL DISTRICT.

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

+1 CC to M/s.R.BABU JAGANATH, Advocate (SR-14005[I] dated 22/09/2023)

ORDER
IN
CRL OP(MD) No.16801 of 2023
Date :20/09/2023

PKP/DD/SAR- /06.10.2023/ 5P/ 4C

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