



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

Monday, the Eighteenth day of June Two Thousand Eighteen

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PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL MP (MD) No.4312 of 2018

IN

CRL OP (MD) No.8635 of 2018

THE STATE THROUGH
THE INSPECTOR OF POLICE
Y.OTHAKADAI POLICE STATION,
CRIME NO.97 OF 2018
MADURAI DISTRICT

... PETITIONER / RESPONDENT/
COMPLAINANT

Vs

SIVAKUMAR @ VALAIPALA SIVA

... RESPONDENT / PETITIONER /
ACCUSED No.5

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to accept the affidavit and cancel the Bail granted in CrI.O.P.(MD) No.8635/2018, Dated 23/05/2018.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.A.ROBINSON, GOVERNMENT ADVOCATE, for the petitioner and the court made the following order:-

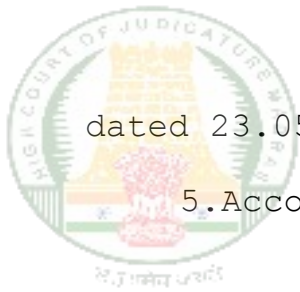
This Criminal Miscellaneous Petition has been filed to cancel the bail granted in CrI.O.P(MD).No.8635 of 2018, dated 23.05.2018.

2.The petitioner in the main criminal original petition is an accused in Crime No.97 of 2018 on the file of the Inspector of Police, Othakkadai Police Station, Madurai District for the offences punishable under Section 8(c) r/w 20(b)(ii)(c) of NDPS Act. The contraband is a commercial quantity. The petitioner sought bail. For granting bail in a case involving commercial quantity under NDPS Act, satisfaction in terms of Section 37 of the NDPS Act must be recorded.

3.In this case, without recording such satisfaction, bail has been granted. Admittedly, the order granting bail in favour of the petitioner in the main criminal original petition is illegal and contrary to Section 37 of NDPS Act.

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

4.Therefore, the bail granted in CrI.O.P(MD).No.8635 of 2018,



dated 23.05.2018 is cancelled.

5. Accordingly, this Criminal Miscellaneous Petition is allowed.

sd/-
18/06/2018

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/ TRUE COPY /

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

TO

- 1 THE PRINCIPAL SPECIAL JUDGE FOR
EC & NDPS ACT CASES, MADURAI
- 2 THE INSPECTOR OF POLICE
Y.OTHAKADAI POLICE STATION,
MADURAI DISTRICT
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

MSA
JAM/27/06/2018/ CM-VR /GSR/ 2P-4C

ORDER
IN
CRL MP (MD) No.4312 of 2018
IN
CRL OP (MD) No.8635 of 2018
Date :18/06/2018