



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.06.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CrI OP(MD)No.8350 of 2018

WEB COPY

Kasirajan

... Petitioner

Vs.

State rep. by
Intelligence Officer,
Narcotic Control Bureau,
Madurai Sub Zone,
Madurai.

... Respondent

Prayer : Criminal Original Petition is filed under Section 439 of the Criminal Procedure Code to enlarge the petitioner on bail N.C.B.F.No.48/1/04/2017-NCB/MDU on the file of the Intelligence Officer Narcotic Control Bureau Madurai Sub Zone, Madurai, on the file of the respondent to the sureties satisfaction of the learned Principal Special Court, for E.C & NDPS ACT Cases Madurai.

For Petitioner : Mr.J.C.Durairaj

For Respondent : Mr.C.Arul Vadivel @ Sekar

ORDER

The petitioner is in custody since 23.10.2017 for the offences under Sections 8(c) r/w 20(b)(ii)(C), 28&29 of NDPS Act. The contraband in question weighs 29.30 kgs of Ganja.

2.The learned counsel appearing for the petitioner submits that since the mandatory requirement set out in Section 50 of the NDPS Act, 1985 has been contravened in this case, he is entitled to bail.

3.But, as rightly pointed out by the learned Special Public Prosecutor for the respondent, it is seen that the contraband in question was recovered from a rice mill and not from the person of the accused.

4.Since the recovery was not from the person of the accused, the question of complying with the mandate set out in Section 50 of the Act will not arise. Hence, this Court is not inclined to grant bail to the petitioner.

5.This Criminal Original Petition stands dismissed.

Sd/-

Assistant Registrar(CS-III)

/True Copy/



To

1. The Intelligence Officer,
Narcotic Control Bureau,
Madurai Sub Zone, Madurai.

2. The Special Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1CC to Mr.J.C.Durairaj, Advocate, SR.No.9707

+1CC to Mr.C.Arul Vadivel @ Sekar, Advocate, SR.No.9571

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ES/SKN/RSK/SAR 1/18.06.2018/2P/5C