



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

Friday, the Eighth day of June Two Thousand Eighteen

PRESENT

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

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CRL MP (MD) No.3874 of 2018
IN
CRL OP (MD) No.8654 of 2018

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
NIB-CID, DINDIGUL DISTRICT.

... PETITIONER / RESPONDENT

Vs

HARISH MANGALI

... RESPONDENT / PETITIONER

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to cancel the bail granted to the respondent/Accused in Crl.OP (MD) No.8654 of 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 (Crl.Side) for the petitioner and of Mr.S.P.PRABAKARAN, Advocate for Mr.M.R.FRANKLIN, Advocate on behalf of the Respondent the court made the following order:-

The petitioner in Crl.O.P.(MD).No.8654 of 2018 is accused in Crime No.177 of 2017 on the file of the Inspector of Police, NIBCID, Dindigul, Dindigul District for the offences under Sections 8 (c) r/w. 20 (b) (ii) (c) and 25 of NDPS Act.

2.The petitioner had filed Crl.O.P.(MD).No.7646 of 2018. But the same was dismissed on 10.05.2018. Suppressing the same, the accused had filed Crl.O.P.(MD).No.8654 of 2018 and bail was granted on 23.05.2018. Admittedly, the contraband is a commercial quantity. Therefore, the parameters set out under Section 37 of the NDPS Act will have to be satisfied. In this case, such satisfaction has not been recorded. On this sole ground, the order dated 23.05.2018 has to be cancelled and is accordingly cancelled.

3.Admittedly, the petitioner has also not disclosed the dismissal of his earlier petition on 10.05.2018. On that ground also, the order dated 23.05.2018 is liable to be cancelled.

4.Accordingly, Crl.(MD).No.3874 of 2018 in Crl.O.P.(MD).No.8654 of 2018 is allowed.



5.The matter cannot rest there. The said bail application has been moved by an Advocate by name Mr.M.R.Franklin, En.No.854 of 2010. The Registry shall serve notice on him returnable by 21.06.2018. The said Advocate shall explain as to how and on whose instructions, he made an averment that Crl.O.P.(MD).No.8654 of 2018 is the first application that has been moved before this Court.

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5.Call on 21.06.2018.

sd/-
08/06/2018

/ TRUE COPY /

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

TO

- 1 THE ADDITIONAL DISTRICT JUDGE,
FOR SPECIAL COURT FOR EC & NDPS ACT CASES, MADURAI
- 2 THE INSPECTOR OF POLICE,
NIB-CID, DINDIGUL DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

Copy to:

Mr.M.R.FRANKLIN, (En.No.854 of 2010)
Advocate Association,
Madurai Bench of Madras High Court,
Madurai.

ORDER
IN
CRL MP(MD) No.3874 of 2018
IN
CRL OP(MD) No.8654 of 2018
Date :08/06/2018

SDS/PN/VK/08.06.2018/2P/5C