



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

Tuesday, the Twelfth day of June Two Thousand Eighteen

PRESENT

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

CRL MP (MD) No.4159 and 4160 of 2018

IN

CRL OP (MD) No.8103 of 2018

THE STATE THROUGH,
THE INSPECTOR OF POLICE,
NIB-CID, KANYAKUMARI,
KANYAKUMARI DISTRICT.
IN CR NO. 61 OF 2017

... PETITIONER/RESPONDENT
IN BOTH THE PETITIONS

Vs

SURESH

... RESPONDENT/PETITIONER
IN BOTH THE PETITIONS

Prayer in CRL MP (MD) .4159/2018 :

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. 8103/2018 dated 23.05.2018 on the file of this Honourable Court.

Prayer in CRL MP (MD) .4160/2018 :

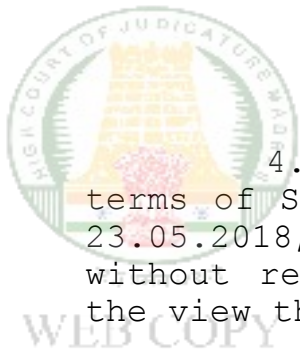
To stay the order passed by this Honourable court in Crl.OP (MD) No. 8103/2018 dated 23.05.2018

Order : These petitions coming on for orders upon perusing the petitions filed in support thereof and upon hearing the arguments of MR.A.ROBINSON, Government Advocate (Crl.Side) for the petitioner in both the petitions, and of MR.NA.MANIMARAN, Advocate on behalf of the Respondent in both the petitions, the court made the following order:-

The petitioner has come forward with this petition to cancel the bail granted to the respondent/Accused in Crl.O.P. (MD) No.8103 of 2018 on 23.05.2018.

2.Heard the learned counsel on either side.

3.The respondent is accused No.1 in Crime No.61 of 2017, on the file of the Inspector of Police, NIB-CID, Kanyakumari District, for the offences punishable under Sections 8 (c) r/w. 20(b) (ii) (C) and 25 of NDPS Act. The contraband in question is 152 kilograms of ganja, which is commercial quantity.



4. Therefore, bail can be granted only if satisfaction in terms of Section 37 of NDPS Act is recorded. But, by order, dated 23.05.2018, the vacation Court had granted bail to the petitioner without recording such satisfaction. Therefore, this Court is of the view that the bail granted earlier is illegal.

5. Hence, this Criminal Miscellaneous Petition in CrI.M.P.(MD). No.4159 of 2018 stands allowed. The bail granted to the petitioner in CrI.O.P.(MD) No.8103 of 2018 on 23.05.2018 stands cancelled. Consequently, CrI.M.P.(MD) No.4160 of 2018 is closed.

sd/-
12/06/2018

/ 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 AND NDPS ACT CASES,
MADURAI.
- 2 THE INSPECTOR OF POLICE, NIBCID, KANYAKUMARI
- 3 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. To MR.NA.MANIMARAN, Advocate SR.No.10320

ORDER
IN
CRL MP (MD) No.4159&4160 of 2018
IN
CRL OP (MD) No.8103 of 2018
Date :12/06/2018 (2/2)

PK/RR-CSL/VK/19.06.2018 : 2P/5C