



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

Monday, the Eighteenth day of June Two Thousand Eighteen

WEB COPY

PRESENT

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

CRL MP(MD) No.4332 & 4333 of 2018

IN

CRL OP(MD) No.8754 of 2018

THE STATE THROUGH
THE INSPECTOR OF POLICE,
NIB CID, THOOTHUKUDI,
THOOTHUKUDI DISTRICT.
CRIME NO. 88 OF 2017

... PETITIONER / RESPONDENT
(in both petitions)

Vs

SAIKUMAR

... RESPONDENT/ PETITIONER
(in both petitions)

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to stay the operation of the order passed by this Honourable High Court in Crl.OP(MD)No. 8754/2018 dated 23.05.2018.

Prayer in CRL MP(MD). 4333/ 2018 :

To cancel the bail granted to the respondent /Accused in Crl.OP(MD)no. 8754/2018 dated 23.05.2018 on the file of this Honourable High Court.

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 (Criminal Side)for the petitioner in both petitions and of Mr.B.VISWANATHAN Advocate for the Respondent in both petitions the court made the following order:-

The Criminal Miscellaneous Petitions have been filed to cancel the bail granted in Crl.O.P(MD).No.8754 of 2018, dated 23.05.2018.

2.The petitioner in the main criminal original petition is an accused in Crime No.88 of 2017 on the file of the Inspector of Police , NIBCID, thoothukudi District for the offences punishable under section 8(c) r/w 20(b)(ii)(c)and Section 25 of the 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.

4. Therefore, the bail granted in Crl.OP.(MD).NO.8754 of 2018, dated 23.05.2018 is cancelled.

5. Accordingly, the Criminal Miscellaneous Petition in Crl.M.P (MD).No.4333 of 2018 is allowed. Consequently, the connected Crl.M.P (MD).No.4332 of 2018 is closed.

sd/-
18/06/2018

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

TO

- 1 THE PRINCIPAL SPECIAL JUDGE
EC AND NDPS ACT CASES, MADURAI.
- 2 THE INSPECTOR OF POLICE,
NIB CID, THOOTHUKUDI,
THOOTHUKUDI DISTRICT.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON,
PALAYAM KOTTAI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL MP (MD) No.4332 & 4333 of 2018
IN
CRL OP (MD) No.8754 of 2018
Date :18/06/2018