



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

Wednesday, the Twentieth day of June Two Thousand Eighteen

PRESENT

WEB COPY

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

CRL MP(MD) No.4468 of 2018
IN
CRL OP(MD) No.8078 of 2018

THE STATE THROUGH
THE INSPECTOR OF POLICE
E-3 ANNA NAGAR POLICE STATION,
MADURAI CITY.
CR. NO.1340/2017.

... PETITIONER/COMPLAINANT

Vs

MURUGAN @ LOAD MURUGAN (A3)

... RESPONDENT/ACCUSED No.3

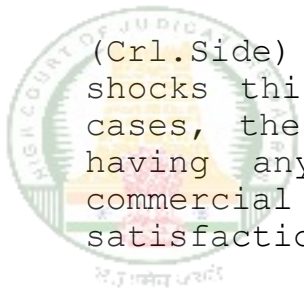
Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to pass an order to cancel the bail granted to the respondent/Accused NO.3 in Crl.OP(MD).No.8078/2018 dated 23.05.2018 on the file of this Honourable High Court.

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 (Crl.Side) for the petitioner and of Mr.V.MAHENDRAN, Advocate for the Respondent the court made the following order:-

This Criminal Miscellaneous Petition has been filed to cancel the bail granted in Crl.O.P(MD).No.8078 of 2018, dated 23.05.2018.

2.The petitioner in the main criminal original petition is an accused in Crime No.1340 of 2017 on the file of the Inspector of Police, Anna Nagar Police Station, Madurai City for the offences punishable under Sections 8(c) r/w 20(b)(ii)(c) and 27(a), 29(1) of NDPS Act.

3.The contraband involved is a commercial quantity being 22 kgs of ganja. The petitioner is involved in 20 previous cases. All the cases are pending. Out of the said catalogue of cases, six cases are pertaining to NDPS Act. However, bail was granted on 23.05.2018, in view of the representation made by the learned Government Advocate



(Crl.Side) that the petitioner is not involved in any other case. It shocks this Court that when the petitioner is having 20 previous cases, the respondent had represented that the petitioner was not having any previous case. Since contraband in question is a commercial quantity, granting bail without recording the satisfaction in terms of Section 37 of NDPS Act is clearly illegal.

4. Therefore, the bail granted in Crl.O.P(MD).No.8078 of 2018, dated 23.05.2018 is cancelled.

5. Accordingly, this Criminal Miscellaneous Petition is allowed.

6. Registrar (Judicial) is directed to bring to the notice of the learned Advocate General about the conduct of the concerned Government Advocate(Crl.Side) forthwith. The learned Advocate General is also further called upon to take appropriate action in the matter.

sd/-
20/06/2018

/ TRUE COPY /

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

msa
TO

- 1 THE PRINCIPAL SPECIAL JUDGE FOR EC & NDPS ACT CASES,
MADURAI
- 2 THE INSPECTOR OF POLICE, ANNA NAGAR POLICE STATION,
MADURAI.
- 3 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO : 1. THE REGISTRAR (JUDICIAL)
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

2. THE ADVOCATE GENERAL,
MADRAS HIGH COURT, MADRAS.

ORDER
IN
CRL MP (MD) No.4468 of 2018
IN
CRL OP (MD) No.8078 of 2018
Date : 20/06/2018