



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

Wednesday, the Twentieth day of June Two Thousand Eighteen

PRESENT

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

WEB COPY

CRL MP (MD) No.4471 of 2018
IN
CRL OP (MD) No.8633 of 2018

STATE REP.BY
THE INSPECTOR OF POLICE,
Y.OTHAKADAI POLICE STATION,
MADURAI DISTRICT.
CRIME NO.103/2018

... PETITIONER/ RESPONDENT/
COMPLAINANT

Vs

SIVAKUMAR @ VALAIPALA SIVA

... RESPONDENT/ PETIONER/
ACCUSED NO.1

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to accept the affidavit and cancel the bail granted in Crl.OP(MD). No.8633/2018, 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, the court made the following order:-

This Criminal Miscellaneous Petition has been filed to cancel the bail granted in Crl.O.P.(MD).No.8633 of 2018, dated 23.05.2018.

2.The petitioner in the main criminal original petition is an accused in Crime No.103 of 2018 on the file of the Inspector of Police, Othakkadai Police Station, Madurai District for the offences punishable under Section 8(c) r/w 20(b)(ii)(c) of 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.

<https://hcservices.ecourts.gov.in/hcservices/>
4.therefore, the bail granted in Crl.O.P(MD).No.8633 of 2018, dated 23.05.2018 is cancelled.



5. Accordingly, this Criminal Miscellaneous Petition is allowed.

sd/-
20/06/2018

/ TRUE COPY /

WEB COPY

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

TO

1. THE PRINCIPAL SPECIAL JUDGE
FOR EC AND NDPS ACT CASES, MADURAI.
2. THE INSPECTOR OF POLICE,
Y.OTHAKADAI POLICE STATION,
MADURAI DISTRICT.
3. THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL MP (MD) No.4471 of 2018
IN
CRL OP (MD) No.8633 of 2018
Date :20/06/2018

MS/PN/GSR/20.06.2018/2P.5C