



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

Thursday, the Twenty First day of June Two Thousand Eighteen

PRESENT

WEB COPY

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

CRL MP(MD) No.4493 of 2018
IN
CRL OP(MD) No.8630 of 2018

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE
OTHAKADAI POLICE STATION,
MADURAI DISTRICT,
(CR NO. 103/2018)

... PETITIONER / RESPONDENT /
COMPLAINANT

Vs

1 ALAGAR @ OTHAKAI ALAGAR @ MOOKAN,
2 SIVAKUMAR
3 ARUNPANDI @ JETLI
4 VASANTH
5 RANJITH
6 KARTHICK @ MOTTAI KARTHICK

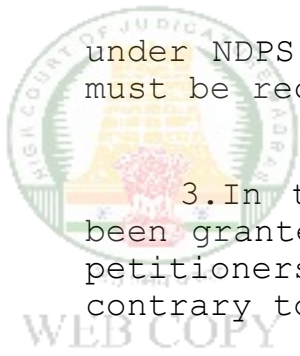
... RESPONDENTS / PETITIONERS /
ACCUSED Nos.4,5,6,7,8 & 9

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to accept the affidavit and cancel the bail granted in Crl.OP(MD)No. 8630/2018 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 respondent not appearing either in person or by an Advocate, the court made the following order:-

This Criminal Miscellaneous Petition has been filed to cancel the bail granted in Crl.O.P.(MD)No.8630 of 2018, dated 23.05.2018.

2.The petitioners in the main criminal original petition are accused in Crime No.103 of 2018 on the file of the Inspector of Police, Y.Othakadai Police Station, Madurai District for the offences punishable under Sections 8(c) r/w 20(b)(ii)(c) NDPS Act. The contraband is a commercial quantity. The petitioners 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 petitioners in the main criminal original petition is illegal and contrary to Section 37 of NDPS Act.

4. Therefore, the bail granted in Crl.O.P.(MD)No.8630 of 2018, dated 23.05.2018 is cancelled. Accordingly, this Criminal Miscellaneous Petition is allowed.

5. Since, the bail granted earlier in favour of the petitioners, has been cancelled by this Court, respondent Police can arrest the accused. It is not necessary to formally move to the concerned Judicial Magistrate for cancellation of the bail bond.

sd/-
21/06/2018

/ TRUE 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 SUPERINTENDENT, CENTRAL PRISON, MADURAI.
- 3 THE INSPECTOR OF POLICE, OTHAKADAI POLICE STATION,
MADURAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL MP (MD) No.4493 of 2018
IN
CRL OP (MD) No.8630 of 2018
Date : 21/06/2018