

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.669 of 2018

ORDER:

This petition is filed for grant of bail to the petitioner/A1 pending enquiry and trial in F.No.DRI/HZU/VJRU/48ENQ-3/17 on the file of the Directorate of Revenue Intelligence, Vijayawada. The offences alleged are under Sections 8(c), 20, 28 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the Act').

2. Heard the counsel for the petitioner and the learned Public Prosecutor appearing for the respondent.

3. As per the case of the prosecution, the quantity of ganja involved in this case is more than the commercial quantity and the same was seized from the possession of the petitioner.

4. Learned Counsel for the petitioner made an effort to get over Section 37 of NDPS Act by taking help of the Ruling of the Supreme Court in *Vijaysinh Chandubha Jadeja v. State of Gujarat*¹, to the effect that requirement of Section 50 of the Act is a mandatory requirement and the provision of Section 50 must be very strictly construed.

5. There is no quarrel with the above ruling. The procedure laid down under Section 50 of the Act has to be followed when there is a proposal to make search of a person.

¹ (2011)1 SCC 609

6. In this case, there was no such proposal. Hence, the aforesaid ruling does not help the petitioner.

7. As regards the prior permission under Section 42 of the Act, the Public Prosecutor states that the same has been complied with.

8. Hence, this Court finds that the petitioner has not come out from the clutches of Section 37 of the Act and he is not entitled for bail.

9. Accordingly, the petition is dismissed.

As a sequel, the miscellaneous applications, if any pending, shall stand closed.

January 31, 2018
ssp



T. RAJANI, J