

SLP(Crl.)No. 4217 OF 1999

ITEM No.201

Court No. 4

SECTION IIA  
A/N MATTER

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl.) No. 4217/1999

(From the judgement and order dated 28/07/1999 in CRLOP 9493/99  
of The HIGH COURT OF MADRAS)

INTELLEGENGE OFFICER, N.C.BUREAU

Petitioner (s)

VERSUS

MOHAMED MUNAWIR MOHAMED AMEER

Respondent (s)

( With Appln(s). for stay )  
( For Final Disposal )  
( With Office Report )

Date : 27/04/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.B. PATTANAIK  
HON'BLE MR. JUSTICE U.C. BANERJEE

For Petitioner (s) M/s. U.U.Lalit,S.W.A.Qadri,Bipul Kumar,Advs.for  
Mr. D.S. Mahra,Adv.

For Respondent (s) Mr. Sakesh Kumar,Adv.(A.C.)

UPON hearing counsel the Court made the following  
O R D E R

.....L.....I.....T.....T.....T.....T.....J.  
.SP2

Leave granted.  
The Appeal is disposed of.

.SP1

(Y.P.Dhamija) (Suneet Bala Sharma)@@  
AA  
COURT MASTER COURT MASTER

Signed order is placed on the file.

.PA

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.579/2001@@  
EEEEEEEEEEEEEEEEEEEEEEEEEEEEEEEE  
(arising out of SLP(CRL) No. 4217/1999)

I.O.,N.C.Bureau ...Appellant

Vs.

Mohd.Munawir Mohamed Ameer ...Respondent

O R D E R@@  
EEEEEEEEEEEE

.....L.....I.....T.....T.....T.....T.....J.  
.SP2

Leave granted.

The prosecution has come up to this Court against the order passed by the learned Single Judge of Madras High Court releasing the accused on bail. The accused, a Srilankan national, is facing criminal proceedings under the provision of NDPS Act, as heroin had been seized from his possession. The learned Judge, without applying his mind properly to the provision of section 37 of the Act, has released the accused on bail. In our considered opinion, the High Court has failed to exercise its discretion in accordance with law in releasing the accused on bail in the facts and circumstances of the present case. We therefore set aside the impugned order of the High Court directing to release the accused on bail.

The Appeal is disposed of accordingly.

.SP1

.....J.  
(G.B. PATTANAIAK)

New Delhi,  
April 27, 2001

.....J.  
(U.C. BANERJEE)