

**Maya Vs. State**

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**SooperKanoon Citation :** [sooperkanoon.com/701142](http://sooperkanoon.com/701142)

**Court :** Delhi

**Decided On :** Apr-08-1994

**Reported in :** 54(1994)DLT492

**Judge :** V.B. Bansaly, J.

**Acts :** [Narcotic Drugs and Psychotropic Substances Act, 1985](#) - Sections 21

**Appeal No. :** Criminal Miscellaneous (Main) Appeal No. 671 of 1994

**Appellant :** Maya

**Respondent :** State

**Advocate for Pet/Ap. :** J. Sethi and; Raman Sawhney, Advs

**Judgement :**

**V.B. Bansal, J.**

(1) The petitioner is in custody incase Fir No. 126/90 under Section 21 of the [Narcotic Drugs and Psychotropic Substances Act, 1985](#) with the allegations that on 22.11.1990, he was apprehended and 15 gms. of smack was recovered from him. Submission of the learned Counsel for the petitioner has been that there was non-compliance of the mandatory provisions, as contained in Section 50 of the said Act inasmuch as no option was given to the petitioner that he could be searched in the presence of a Magistrate or a Gazetted Officer. A perusal of the

Rukka shows that Acp was present with the police in whose presence, the petitioner was searched. Without going into the details of the case and without expressing any opinion on merits, the petitioner is ordered to be released on bail subject to furnishing personal bond for Rs. 30,000.00 with one surety of like amount to the satisfaction of the concerned Court.

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