

SUPREME COURT OF INDIA

Abdulbhai Daudbhai

Vs.

State of Gujarat

Crl.A.No.278 of 1993

(G.N.Ray and G.B.Pattanaik JJ.)

24.09.1997

ORDER

As it appears to us that the mandatory provision of Section 50 of the Narcotic Drugs and Psychotropic Substances Act have not been followed, the conviction made in this appeal cannot be sustained. It appears that the Gujarat High Court in the impugned judgment had relied on an earlier decision of the said High Court in Suraj Mal v. State of Gujarat, 1990 (1) Guj LH 122 : (1991 Cri LJ 1483) but the decision rendered in the said case by the Gujarat High Court stands overruled by the decision of this Court in Balbir Singh's case (1994 (3) SCC 299 : 1994 AIR SCW 1802) since followed by a later decision by a three Judges' Bench. Therefore, we allow this appeal and set aside the conviction and sentence passed against the appellant. The appellant is directed to be released forthwith if he is not wanted in connection with any other criminal case.

Appeal allowed.

