



WEB COPY

CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/03/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD). No.20333 of 2022

Aswini

... Petitioner/Accused No.4

Vs

State Rep.by
The Inspector of Police,
Kodaikanal Town Police Station,
Kodaikanal, Dindigul District.
Cr.No.303/2022.

... Respondent/Complainant

For Petitioner : M/s.Sargunam B, Advocate.

For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.303/2022 on the file of the Respondent police.

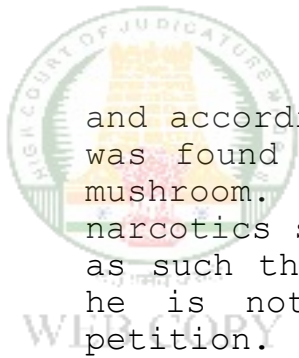
ORDER : The Court made the following order :-

The petitioner/A4 who apprehends arrest at the hands of the respondent police for the offences punishable under sections 8(c) r/w.20(b) (ii) (B), 20(b) (ii) (C), 25 of NDPS Act in Crime No.303 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused were found in possession of 1.100kgs of mushroom which comes under the Narcotics substance, hence the case.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and a false case has been foisted against her.

4. The learned Additional Public Prosecutor would submit that the petitioner along with other accused were found in possession of 1.100kgs of mushroom, which falls under the category of commercial quantity. He would further submit that as per Notification in G.O.No.1045/Judish shows that 50gm of Psilocybine is a commercial quantity



and according to the Regional Forensic Laboratory report Ps. he was found in the mushroom and the recovered contraband is 50gm of mushroom. That apart the petitioner was found in possession of narcotics substances which falls within the commercial quantity and as such there is no bar under Section 37 of the NDPS Act and does he is not entitled for bail and prayed for dismissal of the petition. He would also submit that bail application filed by A5 was dismissed by this Court on 06.03.2023 in Crl.O.P(MD) No.2252 of 2023.

5. Heard. Perused the materials available on record including the First Information Report.

6. It is seen that there are five accused in this case and the petitioner herein is arrayed as A4. The total quantity of contraband recovered from the petitioner is 50gms of Mushroom which falls within the category of commercial quantity, hence this Court is not inclined to grant bail to the petitioner.

7. Hence this petition stands dismissed.

sd/-

06/03/2023

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/03/2023

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV

TO

1 THE INSPECTOR OF POLICE
KODAIKANAL TOWN POLICE STATION, KODAIKANAL,
DINDIGUL DISTRICT.

2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.20333 of 2022

Date : 06/03/2023

RS//SAR-4(10.03.2023) 2P 3C