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CRL O.P. No.21361 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.10.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.21361 of 2024

Eva Verde

... Petitioner / Accused - 1

Vs

State rep. by
The Sub Inspector of Police,
Narcotics Control Bureau,
Chennai Zonal Unit, Chennai.

(NCB F.No.48/1/1/13/2024-NCB/MDS)

... Respondent

PRAYER: - The Criminal Original Petition is filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, (BNSS) 2023, praying to enlarge the Petitioner on bail in NCB F.No.48/1/1/13/2024-NCB/MDS on the file of the respondent police.

For Petitioner : Mr.B.Vasudevan

For Respondent : Mr.N.P.Kumar
Spl. Public Prosecutor



ORDER

The petitioner, who was arrested and remanded to judicial custody on 10.06.2024, for the offences punishable under Sections 8(c) r/w 21(c), 23(c), 28 and 29 of NDPS Act, 1985 in NCB F.No.48/1/1/13/2024-NCB/MDS, on the file of the respondent, seeks bail.

2.The case of the prosecution is that on 07.06.2024 at about 8.00 p.m., based on a secret information, the respondent went to the scene of occurrence at VEDIYAPPANUR, Tiruvannamalai, and found the petitioner along with the other accused in possession of 239 grams of Magic Mushrooms (Psilocybine), in which 85 grams of Brown coloured dry mushrooms and 154 grams of brown coloured granule substance were detected. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and she has been falsely implicated in this case. He would further submit that the petitioner is no way connected with the alleged offence. He would further submit that the petitioner has been in custody from 10.06.2024. He would further submit that there is no previous case against the petitioner and the material has been recovered.



He would further submit that the petitioner is ready to abide by any stringent condition that may be imposed by this Court. Hence, he prays for grant of bail to the petitioner.

4.The learned Government Advocate (Crl. Side) would submit that the petitioner along with the other accused were found in possession of 239 grams of Magic Mushrooms (Psilocybine), in which 85 grams of Brown coloured dry mushrooms and 154 grams of brown coloured granule substance found detected. He would further submit that the petitioner is a Russian citizen. He would further submit that the materials have been recovered from the accused. He would also submit that investigation is still pending and there is no previous case against the petitioner. However, he vehemently opposed to grant bail to the petitioner.

5.Heard both side learned counsel and perused the materials available on record.

6.Considering the nature of offences charged against the petitioner and as per the lab report, the Psilocybine and Psilocin have not been detected in the exhibits and considering that the material was also



recovered and that no previous case is pending against the petitioner and considering the number of days of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner, subject to the following conditions:

[a] Accordingly, the Petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the **Special Judge for EC/NDPS Act Cases, Salem**, and on further conditions that;

[b] the Petitioner shall report before the concerned NDPS Court on all working days at 10.30 a.m., for a period of 30 days.

[c] the Petitioner shall not commit any offences of similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected;

[d] the Petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

[e] the Petitioner shall not abscond either during investigation or trial;

[f] On breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the Petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme



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Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]; and

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

19.10.2024

smv

To

- 1.The Special Judge for EC/NDPS Act Cases, Salem.
- 2.Special Women Central Prison, Puzhal.
- 3.The Sub Inspector of Police,
Narcotics Control Bureau,
Chennai Zonal Unit, Chennai.
- 4.The Public Prosecutor, High Court, Madras.



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P.DHANABAL,J.

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