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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/06/2024

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.7735 of 2024

Shiju, ... Petitioner/Accused No.3

Vs

The Inspector of Police,
Kodaikanal Police Station,
Dindigul District. ... Respondent/Complainant

For Petitioner : Mr.Charles Kamalesh M. Appaji,
Advocate.
For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

To enlarge the Petitioner/Accused No.3 on bail in C.C.No.33 of 2024 on the file of the learned Principal Special Court for EC and NDPS Court, Madurai in Crime No.194 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who is an accused in C.C.No.33 of 2024 on the file of the Principal

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Special Court for EC and NDPS Court, Madurai, has filed this application seeking bail. The said case was registered for the offence under Section 8(c), 22(C) and 29(1) of the Narcotic Drugs and Psychotropic Substances Act, in Crime No.194 of 2023 on the file of the respondent police.

2.The case of the prosecution is that on 23.06.2023 at about 07.00 am, the defacto complainant, on receiving information, along with police team went to the Mannavanur Kaikatti area. At that time, three persons tried to escape on seeing the police party. They were apprehended and on enquiry, they disclosed their name as Ramesh, Usha and Shiju. On suspicion, search was made and they handed over the Mushroom weighing about 50 grams. That was handed over by A1 and further process was undertaken as per the rules and procedure. Similarly, A2 also handed over 50 grams of Mushroom, so also the petitioner. From the petitioner, 100 grams of Mushroom was recovered. All the accused persons were arrested and remanded to custody.

3.The learned counsel for the petitioner submits that he was arrested on 23.06.2023 and he is languishing in jail for the past one year.

4.The learned Additional Public Prosecutor has raised serious objections and submits that A1 to A3 were arrested along with the contraband and on that day, the petitioner contacted A1 and A2 for procuring Psilocybin mushrooms and ganja for

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selling the same to sell to the tourist persons. He further submits that all the accused were in conscious possession of contraband weighing 200 grams of Psilocybin mushroom in a green color carry bag. He further submits that this is the petitioner's second application for bail and the earlier application in Crl.O.P.(MD)No.18538 of 2023 was dismissed by this Court on 02.01.2024 on the ground that the quantity of contraband involved in this case is a commercial quantity and the petitioner has not satisfied the twin conditions as contemplated under Section 37 of the NDPS Act.

5.Considering the specific objections of the learned Additional Public Prosecutor that the contraband has been recovered from the petitioner along with A1 and A2 and since there is no change in circumstances as on date, this criminal original petition is dismissed.

sd/-
20/06/2024

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/07/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI
TO

1 THE PRINCIPAL SPECIAL JUDGE
FOR EC & NDPS, MADURAI

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2 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

3 THE INSPECTOR OF POLICE
KODAIKANAL POLICE STATION,
DINDIGUL DISTRICT.

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

ORDER
IN
CRL OP(MD) No.7735 of 2024
Date :20/06/2024

PKP/VR/SAR /01.07.2024/ 4P/ 5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023

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