



Crl. O.P(MD)No.9676 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Reserved on : 02.08.2024

Pronounced on : 13.08.2024

Coram:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

Crl. O.P(MD) No.9676 of 2024

U.Akash

... Petitioner/ A-7

vs.

The Inspector of Police,
Kodaikkanal Police Station,
Kodaikkanal,
(Crime No.307 of 2023)

... Respondent/ Complainant

Prayer:

To enlarge the petitioner on bail pending in Crime No.307 of 2023 on the file of the Inspector of Police, Kodaikkanal Police station, Kodaikkanal, Dindugal District.

For Petitioner : Mr.M.G.Martin Manivannan,
Advocate
For Respondent : Mr.T. Senthil Kumar,
Additional Public Prosecutor

ORDER

The petitioner is arrayed as an accused No.7 and he was arrested and remanded to judicial custody on 09.11.2023 for the alleged offence punishable under Section 8



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(c) 22(c) & 29 (1) of Narcotic Drugs and Psychotropic Substances Act, 1985, in Crime No.307 of 2023 on the file of the respondent police and hence, seeks bail.

2.The case of the prosecution in brief is that:

Based on the tiff off, the Police Team seized 100 gram of Magic Mushroom from A1 to A3 each, 8 gram of Magic Mushroom from A6 and 3 gram of Magic Mushroom from A7. Totally 311 Grams of Magic Mushroom has been received from the aforesaid accused. Hence, the respondent police registered a case against the petitioner in Crime No.307 of 2024 along with 6 others for the alleged offence punishable under Section 8 (c) 22(c) & 29 (1) of Narcotic Drugs and Psychotropic Substances Act, 1985. Hence, the petitioner seeks bail before this Court.

3.The learned counsel for the petitioner submits that the Magic Mushroom of 3 grams ordered by the petitioner with one of the accused mentioned in the FIR, was seized by the respondent. Even though the quantity of the said contraband sent by Courier is 3 grams which is just a small quantity. Further, he submits that the rest of the accused were on hold of 308 grams and it becomes 311 grams by adding 3 grams of Magic Mushroom ordered by the petitioner and also the name of the petitioner is not found in the said FIR and he has no nexus with any of the 5 accused mentioned in the FIR. No proof is available with the respondent to link the petitioner with the other accused mentioned in the FIR, ie. A1 to A5. The petitioner is innocent and has



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not committed any offence much less the offence cited in the FIR. Without proper enquiry, the respondent police has filed a fabricated case against the petitioner and he is no way connected with the other accused.

4. It has been further submitted by the learned counsel for the petitioner that the petitioner is languishing inside the prison for nearly 61/2 months for no such fault on him. Further, he submits that the petitioner is law abiding citizen and he is ready to furnish solvent sureties. Thus, he seeks bail for the petitioner.

5. The learned Additional Public Prosecutor submits that the respondent police have seized totally 311 grams of Mushroom from the accused and co-accused wherein the petitioner was caught red-handed when he was delivered the Courier containing of 3 grams of Mushroom. The petitioner was arrayed as Accused No.7 along with other accused. He was remanded into Judicial Custody on 09.11.2023. In this regard, investigation has been completed and charge sheet is also filed. If the petitioner is released on bail, he will tamper the witnesses and he may indulge in similar crime. Hence, he objects to release the petitioner on bail.

6. Heard both sides and perused the materials available on record including the First Information Report.

7. On perusal of the records, it is seen that the Respondent Police have seized 308 grams from the rest of the accused and 3 grams from the petitioner who was



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arrayed as Accused No.7 when it was delivered by Courier to him on placing order.

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Hence, the petitioner had ordered the quantity of 3 grams through Courier which is an intermediate quantity. Taking into consideration the period of incarceration and the respondent police have also filed Charge Sheet, this Court is inclined to grant bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties, each for a like sum to the satisfaction of the learned Additional District Judge, Principal Special Court for EC & NDPS Court, Madurai and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall appear before the Trial Court on summons.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned 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



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learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court
in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[f] If the accused thereafter absconds, a fresh FIR can be registered under
Section 229A IPC.

sd/-
13/08/2024

/ TRUE COPY /

27/08/2024
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE ADDITIONAL DISTRICT JUDGE,
PRINCIPAL SPECIAL COURT FOR EC & NDPS COURT, MADURAI.

2 THE INSPECTOR OF POLICE, KODAIKKANAL POLICE STATION
KODAIKKANAL, DINDIGUL DISTRICT.

3 THE OFFICER INCHARGE, DISTRICT PRISON, DINDIGUL.

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

+1 CC to M/s.M.G.MARTIN MANIVANNAN, Advocate (SR-9886[I] dated
13/08/2024)

ORDER
IN
CRL OP(MD) No.9676 of 2024
Date :13/08/2024

RS/VR/SAR-(27.08.2024) 5P 6C
Madurai Bench of Madras High Court is issuing
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