



CRL OP(MD) No.19750 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Tuesday, the Second day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.19750 of 2023

CHANDRAMOHAN

... PETITIONER/ ACCUSED 4

Vs

THE INSPECTOR OF POLICE
KODAIKANAL POLICE STATION,
DINDIGUL DISTRICT.
(CRIME NO.197/2023).

... RESPONDENT/COMPLAINANT

For Petitioner : Mr.S.MAHENDRA PATHY Advocate

For Respondent : Mr.B.NAMBISELVAN, Additional Public Prosecutor

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

PRAYER:- FOR BAIL IN CRIME NO.197/2023 ON THE FILE OF THE
RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner/A4, who was arrested and remanded to judicial custody, on
27.06.2023 for the offences under Sections 8(c) r/w 22(c) and 29(1) of NDPS Act, in
Crime No.197 of 2023 on the file of the respondent police, seeks bail.



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2.The case of the prosecution is that on 27.06.2023 at about 09.00 a.m., based on secret information, the respondent police conducted search near Kaikaati Poombarai. On seeing the police party, the accused persons tried to escape from the place. The respondent police caught hold the accused persons and enquired them. On enquiry, they found that the petitioner and other accused were found in joint possession of 200gms of Ganja. Hence, the present case came to be registered against the petitioner.

3.The learned counsel for the petitioner fairly admitted that the contraband recovered from the petitioner is only 50 grams of magic mushroom, which is a commercial quantity and this Court may issue a suitable direction to the trial Court to complete the trial within a reasonable time.

4.The learned Additional Public Prosecutor for the State would submit that as per the NDPS Act, there is a bar for granting bail in terms of Section 37 of the NDPS Act and further, as per the Table of the NDPS Act, the permissible quantity is only 2 grams. Since the 50 grams of Psilocybine was recovered from the petitioner, which is a commercial quantity. Hence, he opposed to grant bail to the petitioner.

5.Heard the learned counsel on either side.

6.The facts in the present case are not in dispute. Admittedly, the respondent police recovered the magic mushroom from the petitioner, the chemical



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name is Psilocybine, which is tabled as 145 item in the NDPS Act. The permissible quantity is only 2 grams, whereas, the substances recovered from the petitioner were 50 grams, which is a commercial quantity.

7. Since the petitioner possessed 50 grams of commercial quantity and there is a bar for granting bail under Section 37 of the NDPS Act, this Court is not inclined to grant bail to the petitioner.

8. Accordingly, this petition is dismissed. However, the learned Principal Special Court for Narcotic Drugs and Psychotropic Substances Act Cases, Madurai, is directed to conclude the trial and dispose of the case as expeditiously as possible.

sd/-
02/01/2024

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/01/2024
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 NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES ACT CASES,
MADURAI.

2 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

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

<https://www.mhc.tn.gov.in/judis>



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

COPY TO:

THE SECTION OFFICER,
CRIMINAL SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.S.MAHENDRAPATHY, Advocate (SR-129[I] dated 04/01/2024)

ORDER IN
CRL OP(MD) No.19750 of 2023
Date :02/01/2024

SA/VR/SAR. /11.01.2024/4P/7C

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