



CRL OP(MD) Nos.23190 and 22095 of 2023

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

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

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) Nos.23190 and 22095 of 2023

1 SALAMON

2 JEYANTHI

3 VICTORIYA RANI

... Petitioners / Accused No.1 to 3  
in CRL OP(MD) No.23190 of 2023

1 HELEN MARY

2 ARUN

... Petitioners / Accused No.4 to 5  
in CRL OP(MD) No.22095 of 2023

Vs

THE INSPECTOR OF POLICE  
KODAIKANAL POLICE STATION,  
KODAIKANAL,  
DINDIGUL DISTRICT.  
(CRIME NO.307/2023).

... Respondent / Complainant  
in both petitions

In both petitions

For Petitioner : M/s.Raja Karthikeyan, Advocate

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



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

PRAYER : FOR BAIL IN CRIME NO.307/2023 ON THE FILE OF THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioners/A1 to A5, who were arrested and remanded to judicial custody on 30.10.2023 for the offences punishable under Sections 8(c), 22(c) and 29(1) of Narcotic Drugs and Psychotropic Substances Act, 1985, in Crime No.307 of 2023, on the file of the respondent police, seek bail.

2.The case of the prosecution is that the respondent police, based on the secret information, intercepted the petitioners and recovered 303 grams of magic mushroom. Hence, the case.

3.The learned counsel for the petitioner would submit that admittedly the respondent police arrested only three persons and recovered 300 grams of magic mushroom from them, which are not listed in the narcotic drug schedule issued by the Central Government notification and only Psilocybine alone is mentioned in Serial No.145 of the Table of the NDPS Act and as per the Forensic report, the percentage of Psilocybine in the magic mushroom was not mentioned and in the First Information Report, the respondent police only took the samples of 90 grams, whereas, only 8 samples were sent for chemical test and the cross weight also



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differed and in view of the above, the respondent police have put up a false case against the petitioners. Hence, he prayed to grant bail to the petitioner.

4.Per contra, the learned Additional Public Prosecutor for the State would submit that as per Serial No.145 of the Table of the NDPS Act, the Psilocybine is a narcotic substance and the permissible quantity is only 2 grams and the commercial quantity is 50 grams, whereas, the petitioner has possessed 303 grams of magic mushroom, which is a commercial quantity. Hence, he opposed to grant bail to the petitioners.

5.Considering the facts and circumstances of the case and also considering the facts that the quantity of contraband involved in this case is a commercial quantity and the petitioners have not satisfied the twin conditions as required under Section 37 of the NDPS Act, this Court is not inclined to grant bail to the petitioners.

6.Accordingly, these Criminal Original Petitions are dismissed.

sd/-  
30/01/2024

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/02/2024  
Sub-Assistant Registrar  
(C.S. I / II / III /IV)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

SJI



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To

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1.The Inspector of Police,  
Kodaikanal Police Station,  
Kodaikanal, Dindigul District.

2.The Officer Incharge,  
District Prison, Dindigul.

3.The Officer Incharge,  
Women Prison,  
Nilakottai, Dindigul.

4.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court, Madurai.

+1CC to M/s.RAJA KARTHIKEYAN, Advocate, SR.No.2522(F), dated 30.01.2024

ORDER  
IN

CRL OP(MD) Nos.23190 and 22095 of 2023  
Date :30/01/2024

ED/ JGB /SAR- (05/02/2024) 4P / 6C

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