



CRL OP(MD). No.1591 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14/02/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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Suriya,
S/o. Chinnappan,
1st Street, Poondi,
Kodaikanal,
Dindigul District.

... Petitioner/Sole Accused

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Kodaikanal Police Station,
Dindigul District.
(In Crime No. 1 of 2025)

... Respondent/Complainant

For Petitioner : Mr.SMA Jinnah,
Advocate

For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.483 of BNSS



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PRAYER :-

For Bail in Crime No.1 of 2025 on the file of the respondent-Police.

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 24.01.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) praying to grant bail.

2. The petitioner/Sole Accused was arrested and remanded to judicial custody on 01.01.2025 for the offences punishable under Sections 8(c) and 22(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985, in Crime No.1 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that Based on the secret information received by the Sub-Inspector of Police, Kodaikanal Police Station, on 01.01.2025, at about 09:30 a.m., near the Government School at Poondi, Kodaikanal, the Sub-Inspector of Police, along with his police team, was conducting an inspection. On seeing the police, the petitioner attempted to escape, but the police caught him. Upon inspection, the police discovered that the petitioner was in illegal possession of 72



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grams of banned magic mushrooms. The police team arrested the petitioner and seized the said magic mushrooms from him. Hence, the complaint.

4. Mr.SMA.Jinnah, learned counsel appearing for the petitioner, submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and a false case has been registered against him. He further submits that the petitioner has been in judicial custody since 01.01.2025. He therefore prays to grant bail to the petitioner.

5.Mr. R.Meenakshi Sundaram, learned Additional Public Prosecutor appearing for the respondent-police, has produced a report from the Forensic Science Laboratory before this Court today. On perusal of the said report, it reveals that the Forensic official did not detect any narcotic drugs or psychotropic substances in the sample. He further submits that, based on the report from the Forensic Science Laboratory, the prosecution is going to close the case as 'Action Dropped'.

6. Heard on both sides. This Court has perused the records.

7. A perusal of the report of the Forensic Science Laboratory submitted today

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



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before this Court reveals that no narcotic drugs or psychotropic substances could be found in the sample of the magic mushrooms. Therefore, this Court is of the view that the custodial interrogation of the petitioner, hereinafter, is unnecessary and therefore, he may be released on bail, however, subject to certain conditions, as the case has not been closed till now. Accordingly, bail is granted to the petitioner subject to the following conditions:

(i) The petitioner shall execute a bond for Rs.10,000/- (Rupees Ten Thousand only) along with two sureties each for a like sum of Rs.10,000/- (Rupees Ten Thousand Only) to the satisfaction of the learned Special Judge for EC and NDPS Act Cases, Madurai;

(ii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Special Judge for EC and NDPS Act Cases, Madurai shall obtain a copy of any one of identity proofs to ensure their identity;

(iii) The petitioner shall furnish his residential address and mobile number to the learned Special Judge for EC and NDPS Act Cases, Madurai;



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(iv) The petitioner shall appear and sign before the respondent Police weekly once (i.e., on Monday at 10.30 a.m.), until further orders;

(v) The petitioner shall not, directly or indirectly, cause any threat to the defacto complainant and witnesses and shall not tamper the evidence; and

(vi) On breach of any of the aforementioned conditions, learned Special Judge for EC and NDPS Act Cases, Madurai, is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions are imposed by him as laid down by the Hon'ble Supreme Court in P.K. Shaji vs. State of Kerala [(2005) 13 SCC 283].

8. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated supra.

sd/-
14/02/2025

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14/02/2025
Sub-Assistant Registrar (PA-II)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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TO

- 1.The Special Judge for EC and NDPS Act Cases, Madurai;
- 2.The Officer-in-charge, District Jail, Dindigul.
- 3.The Inspector of Police,
Kodaikanal Police Station, Dindigul District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN

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Date :14/02/2025

RK (14/02/2025) 6P / 5C

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