



IN THE HIGH COURT OF JUDICATURE AT MADRAS

( Criminal Jurisdiction )

Thursday, the Fifth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice P. VELMURUGAN

CRIMINAL ORIGINAL PETITION No.10678 of 2022

VIMALA

[ PETITIONER / ACCUSED ]

Vs

THE STATE REP BY ITS  
THE INSPECTOR OF POLICE,  
SIRKAZHI POLICE STATION,  
(CRIME NO.171 OF 2022)

[ RESPONDENT ]

For Petitioner : M/S S.T.RAJA Advocate

For Respondent : M/S.G.V.KASTHURI, Additional public Prosecutor

PETITION FOR BAIL 439 Cr.P.C.

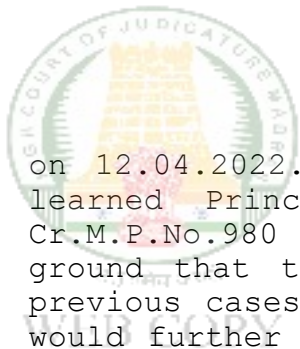
ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 12.04.2022 for the alleged offence punishable under Sections 4(1) (i), 4(1)(aaa) r/w 4(1-A) of Tamil Nadu Prohibition Act, 1937 in Crime No.171 of 2022 on the file of the respondent/police, seeks bail.

2.The case of the prosecution is that on 12.04.2022 at about 12.00 hours, while the respondent/police were on patrol duty, they found that the petitioner and others were illegally selling liquor without any proper licence. The petitioner was found in possession of 110 litres of illicit arrack using atropine.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent and she is in no way connected with the alleged offence and she is suffering from incarceration for more than 21 days and hence, the petitioner may be granted bail.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that on the date of occurrence the petitioner was found in possession of 110 of illicit arrack and she was arrested



on 12.04.2022. Earlier, the petitioner filed a petition before the learned Principal District and Sessions Judge, Nagapattinam in Cr.M.P.No.980 of 2022 and the same was dismissed on 27.04.2022 on the ground that the petitioner is a habitual offender and has got 35 previous cases, besides this 15 previous cases are disposed of. She would further submit that if the petitioner is released on bail, she will again involve in the same type of offence.

5. Heard both sides.

6. Taking into consideration the facts and circumstances of the case and the antecedents of the petitioner and also considering the submission of learned counsel on either side, this Court is of the view that if the petitioner is released on bail, she will involve in the same type of offence. Considering the fact that the Government itself is doing the business of selling alcohol through TASMAL Shops and every nook and corner the TASMAL shops are available and it is very easy for the public to access the subject matter liquor, this is not a fit case to grant bail to the petitioner.

Accordingly, this Criminal Original Petition is dismissed.

-sd/-

05/05/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)  
High Court, Madras - 600 104.

TO

1 THE INSPECTOR OF POLICE,  
SIRKAZHI POLICE STATION,  
MAYILADUTHURAI.

2 THE SUPERINTENDENT,  
WOMEN PRISON, TIRUVARUR

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

CC to M/S S.T.RAJA Advocate on payment of necessary charges

CRL OP.10678/2022

Date :05/05/2022

JPA 06/05/2022