



CrI.OP(MD)No.15183 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Dated: 23/08/2023

THE HON'BLE MR JUSTICE G.ILANGO VAN

CrI.OP(MD)No.15183 of 2023

Gomathi

.. Petitioner/ Accused No.1

Vs.

State Rep.by
The Inspector of Police,
Ramjee Nagar Police Station,
Trichy District.
(In Crime No.25 of 2023)

...Respondent/ Complainant

For Petitioner : Mr.N.Anandakumar ,Advocate

For Respondent : Mr.S.Ravi, Additional Public Prosecutor

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

PRAYER:- For Bail in Crime No.25 of 2023 on the file of the respondent police.

ORDER: The Court made the following order:-

The petitioner, who is arrayed as A1 was arrested and remanded to judicial custody, on 08/02/2023 for the offences punishable under sections 8(c) r/w 20(b)(ii) (C) and 25 of NDPS Act, in Crime No.25 of 2023 on the file of the respondent police,

seeks bail

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



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2.The case of the prosecution is that on secrete information, on 07/02/2023 along with the other team of officials, the de-facto complainant went to Gomarasampettai and Vannankovil main road and they were waiting near Navalur over-bridge at about 2.20 pm. They were involving in the vehicle check up. At that time, they intercepted a Three Wheeler bearing registration No.TN-45-BM-3661 in a suspicious manner. They enquired the occupants and the driver of the auto and they disclosed their name as Gomathi and Subbiah. Search was made in the presence of the VAO and Village Assistant. They found in possession of 21 kgs of Ganja. Sampling and further proceedings were undertaken as per the procedure and rules. On further enquiry, they revealed that her daughter namely Poornima and her husband Mayakannan have also involved in the Ganja Trading. They were arrested and remanded to judicial custody.

3.Seeking bail, this petition has been filed by the petitioner on the ground that only her daughter's husband namely Mayakannan is selling arrack and this case has been foisted against her, she is in custody for more than 180 days.

4.The learned Additional Public Prosecutor would submit that it is a commercial quantity and the accused persons arrested in the place of occurrence itself and the contraband has been recovered from the place of the occurrence. So unless the petitioner has to satisfy the requirement of section 37 of the NDPS Act,



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she is not entitled for bail. It is further submitted that now the final report was filed, on 25/06/2023 and it has been taken cognizance by the trial court.

5.The earlier application filed by this petitioner came to be dismissed by the Special Court, Pudukkottai, on 10/08/2023. Even though, the petitioner is in custody for more than 180 days, absolutely, no circumstance has been brought on record to satisfy the requirement of section 37 of the NDPS Act. I find no reason to entertain this petition without any substantial ground.

6.In the result, this criminal original petition is dismissed.

sd/-
23/08/2023

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/09/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

ER

TO

- 1 THE INSPECTOR OF POLICE
RAMJEE NAGAR POLICE STATION, TRICHY DISTRICT.
- 2 THE SUPERINTENDENT
CENTRAL PRISON, TRICHY DISTRICT.



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

ORDER
IN
CRL OP(MD) No.15183 of 2023
Date :23/08/2023

PKP/VR/SAR- /07.09.2023/ 4P/4C

Madurai Bench of Madras High Court is issuing certified
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