



Crl.OP(MD)No.17740 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Dated: 08/11/2023

THE HON'BLE MR JUSTICE G.ILANGOVAN

Crl.OP(MD)No.17740 of 2023

A.Divya

... Petitioner/ Accused 12

Vs

State represented by,
The Inspector of Police,
Dhadikombu Police Station,
Dindigul District.
(Crime No.224 of 2022)

... Respondent/Complainant

For Petitioner : Mr.R.VENKATESAN, Advocate

For Respondent : Mr.S.RAVI
Additional Public Prosecutor

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

PRAYER:-For Bail Crime No.224 of 2022 on the file of the respondent police.

ORDER: The Court made the following order:-

The petitioner/A12, who was arrested and remanded to judicial custody, on 05/08/2022 for the offences punishable under sections 8(c) r/w 20(b)(ii)(C) and section 25 of the Narcotics Drugs and Psychotropic Substances Act, in Crime No.224 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner along with other accused



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were found in possession of 34 kgs of Ganja. Hence, the case.

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3.Heard both sides.

4.The earlier bail applications filed by the petitioner came to be dismissed by this court on the ground that there was Banking transaction between the petitioner and the co-accused. Money was transferred through the account of this petitioner to A5's account, who purchased Ganja from Andhra Pradesh for the purpose of selling the same in Tamil Nadu. Without any change of circumstances, this petition has been filed.

5.The petitioner would rely upon the judgment of the Himachal Pradesh High Court in the case of Parma Ram Vs. State of Himachal Pradesh (2022 SCC OnLine HP 173) for the purpose of argument that the parameters set out for granting bail must be taken into account by this court.

6.But the fact remains that it is a case of commercial quantity involving in drug trafficking issue, naturally the petitioner has to satisfy the required conditions under section 37 of the NDPS Act. When prima facie materials have been collected during the course of investigation to show the involvement of this petitioner, unless she is able to substantiate or satisfy the requirement of section 37 of the NDPS Act, she is not entitled for bail. Absolutely, no argument has been advanced by the petitioner on this account.



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7.I find no reason to entertain this bail petition. If released on bail, there is no guarantee that she will not commit the similar offence, while on bail.

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

sd/-
08/11/2023

/ TRUE COPY /

/12/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE PRINCIPAL SPECIAL COURT TRIAL OF NARCOTIC DRUGS
AND PSYCHOTROPIC SUBSTANCES ACT CASES, MADURAI.

2 THE OFFICER IN CHARGE,
SUB JAIL, NILAKKOTTAI, DINDIGUL.

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

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

+1 CC to M/s.R.VENKATESAN, Advocate (SR-16038[I] dated 08/11/2023)

ORDER IN
CRL OP(MD) No.17740 of 2023
Date :08/11/2023

SA/JGB/SAR. /15.12.2023/3P/6C

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