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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/08/2026

PRESENT

The HONOURABLE **MR. JUSTICE K.MURALI SHANKAR**

CRL OP(MD). No.17229 of 2026

Raja,
S/o.Mokkaiyan,
W/2-87,Pillaiyar Koil Street,
Thambinayakkanpatti,
Uthamapalayam,
Thevaram,
Theni District.. ... Petitioner/Sole Accused

Vs

State of Tamilnadu Rep by,
The Inspector of Police,
Thevaram, Police Station,
Theni District,
Crime No.288/2026. ... Respondent/Complainant

For Petitioner : Mr.M.Jerin Mathew,
Advocate.
For Respondent : Mr.N.Balasubramanian,
Government Advocate (Crl.Side)
PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :- C-33B.For Bail in Crime No.288 of 2026 on the file of the respondent police

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ORDER : The Court made the following order :-

The petitioner/Sole Accused, who was arrested and remanded to judicial custody on 02.07.2026 for the offences punishable under Sections 4(1)(A) and 4(1)(C) of TNP Act, in Crime No.288 of 2026 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on the date of occurrence, the petitioner was found in illegal possession of 4 liquor bottles and Rs.500/- cash with an intention to sale the same illegally. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case. He would further submit the petitioner is in custody from 02.07.2026. Hence, he prays to grant bail to the petitioner.

4. The learned Counsel for State of TN (Crl. Side) appearing for the respondent would submit that the investigation in this case is still

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pending and the offences are grave in nature. He would further submit that the petitioner is having 22 previous cases, out of which, 19 cases are similar in nature. Hence, he opposed to grant bail to the petitioner.

5. Considering the facts and circumstances of the case and on a perusal of the FIR, it is seen that, according to the prosecution itself, the liquor allegedly seized from the petitioner is TASMAC liquor. The FIR does not contain any allegation that the said liquor contained any poisonous or noxious substance or any other ingredient likely to endanger human life, nor is there any allegation that any person, after consuming the said liquor, suffered any adverse consequence. In such circumstances, prima facie, the ingredients necessary to attract the offences under Sections 4(1)(A) and 4(1)(C) of the Tamil Nadu Prohibition Act, as amended by the Tamil Nadu Prohibition (Amendment) Act, 2024, are not made out from the materials presently available. Though the petitioner is stated to have previous cases, considering the nature of the present accusation and the fact that he has been in judicial custody from 02.07.2026, this Court is inclined to grant bail to the petitioner, subject to the following conditions:

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[a] Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.15,000/- (Rupees Fifteen Thousand only) with two sureties each for a like sum to the satisfaction of the **learned Judicial Magistrate, Bodi,** and on further conditions that:

[b] the petitioner shall report before the respondent Police daily at 10.30 a.m., for a period of 30 days and thereafter as and when required for interrogation.

[c] the petitioner shall not commit any offence similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected;

[d] the petitioner shall not abscond either during investigation or trial;

[e] the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade her from disclosing such facts to the Court or to any police officer or tamper with the evidence;

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[f] On breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 BNS.

(K M S J)
13.08.2026

VSG

TO

1.The learned Judicial Magistrate, Bodi.

2. The Superintendent, District Jail, Thekkampatti,
Theni District.

3.The Inspector of Police,
Thevaram, Police Station,
Theni District

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

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K.MURALI SHANKAR,J.,

vsg

ORDER
IN
CRL OP(MD) No.17229 of 2026

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