



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Thursday, the Fourth day of August Two Thousand Sixteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.13033 of 2016

MARI

... PETITIONER/ACCUSED No.3

Vs

STATE REP. BY
THE INSPECTOR OF POLICE
PROHIBITION OF ENFORCEMENT WING, (PEW),
THANJAVUR DISTRICT. CR.NO.425/2016 ... RESPONDENT/COMPLAINANT

For Petitioner : M/S A.ARUN PRASAD Advocate

For Respondent : Mr.P.KANNITHEVAN, Government Advocate (Crl. Side)

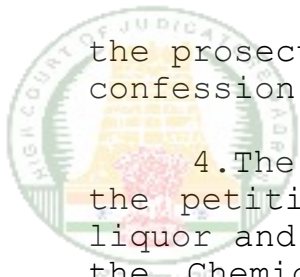
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as Accused No.3, apprehends arrest at the hands of the respondent police for the offences punishable under Sections 4(1)(aaa), 4(1)(i), 4(1-A) of TNP Act read with 468, 474, 471, 489(D) IPC, in Crime No.876 of 2015, on the file of the respondent police and hence, seeks anticipatory bail.

2.The case of the prosecution is that on 15.07.2016, at about 06.00 a.m., while the police party was on patrolling at Thanjavur Town, they found A.1 and A.2 in possession of five day-night brandy bottles and they confessed that they used to buy Pondicherry liquor and Brandy from Karaikkal and sell the same in Tamil Nadu and they also sold Pondicherry liquor. Thereafter, they produced 120 litre Pondicherry liquor, 14 Green Magic brandy bottles each containing 750 ml, 32 day night brandy bottles each containing 180 ml, 2 monitor brandy bottles each containing 180 ml, 60 brandy bottles without any label, each containing 180 ml and also brandy bottles, labels, halogen seal, gaps and accessories and a sum of Rs.41,540/- and the police party seized the same and when they opened and smelt the brandy bottles, it emanated bad odour and suspecting that it may be a illicit liquor, they seized the same and preserved for chemical analysis. On returning to the police station with the accused and the seized materials, a case has been registered for the above said offences.

3.The case of the petitioner is that the petitioner is an innocent person and he has not committed any offence as alleged by



the prosecution. He was implicated in this case on the basis of the confession given by the co-accused persons.

4.The learned Government Advocate (Crl. side) submitted that the petitioner and other accused persons used to buy Pondicherry liquor and Brandy from Karaikkal and sell the same in Tamil Nadu and the Chemical Analysis Report filed before the learned Judicial Magistrate reveals that the seized liquor contains atropine, which is a poisonous substance and prayed for dismissal of this petition.

5.Considering the serious nature of allegations levelled against the petitioner and also considering the fact that the Chemical Analysis Report filed before the learned Judicial Magistrate reveals that the seized liquor contains atropine, which is a poisonous substance, this Court is not inclined to grant anticipatory bail to the petitioner and accordingly this petition is dismissed.

sd/-
04/08/2016

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

TO

- 1 THE INSPECTOR OF POLICE
PROHIBITION OF ENFORCEMENT WING, (PEW),
THANJAVUR DISTRICT.
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.13033 of 2016
Date :04/08/2016

SH/SK-SKN/SAR-I :09.08.2016:2P/3C