

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.09.2020

CORAM :

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P.No.14694 of 2020

K.PERIYASAMY
S/o.Lakshmanan

... Petitioner

Vs.

State Rep. by Sub-Inspector of Police,
Prohibition Enforcement Wing,
Krishnagiri,
Krishnagiri District.
(Crime No.757 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.757 of 2020 on the file of the above respondent police.

For Petitioner : Mr.E.Kannadasan

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 28.08.2020 for the offences punishable under Section 4(1) (aaa), r/w 4(1-A) of Tamil Nadu Prohibition Act and Section 468, 471, 420 of IPC r/w. 6, 7 of Tamil Nadu Rectified Spirit Rules, 2000, in Crime No.757 of 2020, on the file of the respondent police, seeks bail.

2..The case of the prosecution is that on 28.08.2020 at about 15.00 hours, the respondent police received a secret information about some person preparing spurious liquor. On receipt of the information, the respondent police visited the house of the petitioner and on seeing the police party, the petitioner and another accused tried to escape from the scene of occurrence, however, the respondent police managed to apprehend them and made a search in his house and found that the petitioner was illegally in possession of the following:

1. Bush Rum Remover Essence - 1 liter
2. Honey Essence - 1/2 liter
3. Bush Banana No.1 - 1/2 liter

4. BRAC Mixed Fruit Flavour S.1038 - 1/2 liter
5. 100 Nos. of Express brandy Label
6. 400 Nos. of MC Brandy Label
7. 50 Nos. of Honey Bee Label
8. 50 Nos. of Men's Club Brandy Label
9. 10 Nos. of Black Barrel Brandy
10. 1 No. of Camlin White Glue
11. 150 Nos. of Hologram 18 sheets
12. 1 No. of Blending Machine
13. 2000 Nos. of Bottle cap
14. 300 Nos. of empty bottles (each bottle 375 ml) 3 Nos. of plastic
cane containing 35 liters of spirit.
Totally 105 liters of Spirit.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner is in custody from 28.08.2020.

4. The learned Government Advocate (Criminal Side) would vehemently oppose stating that on information, the respondent police conducted a search in the house of the petitioner and found that the petitioner was illegally in possession of Bush Rum Remover Essence - 1 liter, Honey Essence - 1/2 liter, Bush Banana No.1 - 1/2 liter, BRAC Mixed Fruit Flavour S.1038 - 1/2 liter, 100 Nos. of Express brandy Label, 400 Nos. of MC Brandy Label, 50 Nos. of Honey Bee Label, 50 Nos. of Men's Club Brandy Label, 10 Nos. of Black Barrel Brandy, 1 No. of Camlin White Glue, 150 Nos. of Hologram 18 sheets, 1 No. of Blending Machine, 2000 Nos. of Bottle cap, 300 Nos. of empty bottles (each bottle 375 ml) 3 Nos. of plastic cane containing 35 liters of spirit, totally 105 liters of Spirit, he is almost running a illicit factory. He would further submit that the co-accused bail petition vide order dated 18.09.2020 in CrI.O.P.No.14573 of 2020 was dismissed by this Court very recently and this petitioner has also got two previous cases to his credit.

5. Taking into consideration of the fact and submissions made by the learned counsels, considering the fact that the petitioner has got two previous cases, and considering the magnitude this Court is not inclined to grant bail to the petitioner.

6. This Criminal Original Petition stands dismissed accordingly.

-sd/-
21/09/2020

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

TRUE COPY

TO

1 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

2 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM

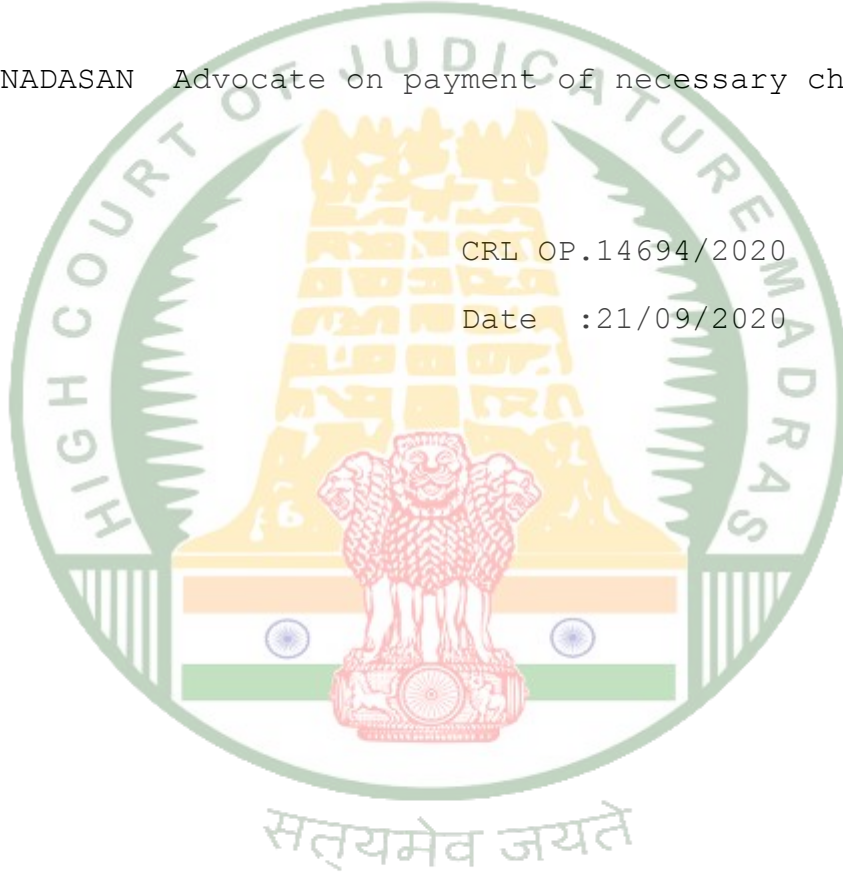
3 THE SUB INSPECTOR OF POLICE,
PROHIBITION ENFORCEMENT WING,
KRISHNAGIRI, KRISHNAGIRI DISTRICT.

CC to E.KANNADASAN Advocate on payment of necessary charges

CRL OP.14694/2020

Date :21/09/2020

RD 28/09/2020



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