



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.06.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

CRL.O.P.No.10443 of 2021

1.C.Nagendran
2.T.Sivakumar

...Petitioners

Versus

State represented by
The Inspector of Police,
M-1 Madhavaram Police Station,
Thiruvallur District.
(Crime No.509 of 2021)

...Respondent

PRAYER: Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioners on bail in the event of apprehending arrest in the Crime No.509 of 2021 on the file of the respondent.

For Petitioners : Mr.C.B.Motcham

For Respondent : Mr.A.Gopinath
Government Advocate (Crl. Side)

ORDER

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 328 IPC r/w Sections 7, 20(1) of the Cigarette and other Tobacco Products Act, 2003 in Cr.No.509 of 2021, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the police, on receiving secret information about the consignment of banned tobacco products, made a search and nabbed the petitioners, who transported those substances from Bangalore in a lorry. They said to have driver and cleaner of the said lorry and their job was to transport tobacco substances from one place to another. The police officials seized the lorry and arrested the petitioners and filed a complaint.

3.The learned counsel appearing for the petitioners submits that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submitted that his only job is to transport those products and handover the materials / consignment to the consignor or consignee and they are no way connected with this Criminal Case. He further add that the Criminal Case against the petitioners is unsustainable and prays to grant anticipatory bail to the petitioners.



4. The learned Government Advocate (Crl.Side) submits that the seized banned products are very huge in volume and he strongly opposed to grant anticipatory bail to the petitioners.

5. This Court is of the view that though the petitioners are driver and cleaner of the said lorry, the act of transporting banned tobacco products in a lorry is an illegal one and hence this Court is not inclined to grant anticipatory bail to the petitioners.

6. This Criminal Original Petition is dismissed accordingly.

-sd/-
23/06/2021

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

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE
MADHAVARAM

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR DISTRICT [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
M-1, MADHAVARAM POLICE STATION,
THIRUVALLUR DISTRICT.

4 THE SUPERINTENDENT
CENTRAL PRISON, PUZHAL

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.G.B.MOTCHAM Advocate on payment of necessary charges

CRL OP.10443/2021

Date :23/06/2021

APN 16/07/2021