



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/06/2021

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PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). No.7154 of 2021

Ravichandran

... Petitioner/Accused No.3

Vs

State Rep. by
The Inspector of Police,
Srivilliputhur Town Police Station,
Virudhunagar District.
(Crime No.145 of 2021).

... Respondent/Complainant

For Petitioner : Mr.Velpradeep.I.,
Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

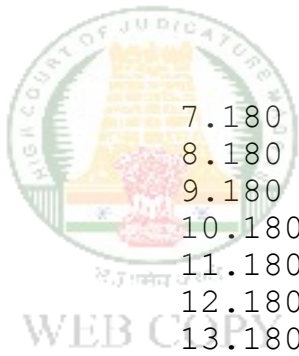
PRAYER :- For Anticipatory Bail in Crime No.145 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 4(1)(aaa) of Tamil Nadu Prohibition Act, seeks anticipatory bail.

2.The case of the prosecution is that on 03.04.2021, at about 14.30 hours, the police party was engaged in preventing offence relating to Prohibition Act and they found behind the house of Ganesan, one Ramar, who is the second accused herein, on seeing the police, the second accused and the said Ganesan tried to escape, the police apprehended him and found a white colour sack which contained 1389 liquor bottles. The details are as follows:-

1.375 ML MGM Diamend Brandy	- 71 Bottles
2.375 ML Vorion Brandy	- 119 Bottles
3.375 ML Black Peral	- 6 Bottles
4.180 ML Black Peral Brandy	- 95 Bottles
5.180 ML MGM Diamend Brandy	- 364 Bottles
6.180 ML Topstar Special Brandy	- 96 Bottles



7.180 ML Vorian Brandy	- 191 Bottles
8.180 ML Accord Brandy	- 14 Bottles
9.180 ML Honey Bee Brandy	- 57 Bottles
10.180 ML Golden Eagle Brandy	-38 Bottles
11.180 ML Day Night Brandy	- 129 Bottles
12.180 ML Accord No.1 Brandy	- 113 Bottles
13.180 ML Golden Voter	- 96 Bottles

3.On enquiry, it was revealed that the first accused got the bottles from the third accused, who is the Supervisor of TASMAC Shop No.12017 for selling on 04.04.2021, which is a holiday, at a premium price, in order to gain profit. Therefore, this case came to be registered.

4.The learned counsel for the petitioner submitted that the petitioner is an innocent person, he is not involved in this offence. As a Supervisor, he is expected to sell the liquors in a TASMAC, assuming that he sold, he is only performing his duty, therefore, he did not commit any offence and he seeks anticipatory bail.

5.The learned Government Advocate (criminal side) opposed this petition on the ground that a huge amount of bottles were sold illegally, for the purpose of selling in a holiday for a premium price. He further submitted that as per G.O.(Ms.)No.14, Home Prohibition and Excise (VI) Department, Dated 09.06.2017, one person, who is entitled to possess 4.5 Litres of Indian Made Foreign Spirits, 4.5 Litres of Imported Foreign Liquor, 7.8 Litres of Beer Bottles and 9 Litres of Wine, and not more than that.

6.A perusal of the records and the First Information Report shows that the petitioner, who wants to earn a huge profit alleged to have sold the liquor bottles to the first accused, for being sold on, a holiday, for a premium price. He has no Authority to do that. His role is to sell and supervise within the TASMAC premises and not to sell in bulk quantities to individual person for being sold at a premium price on a holiday. The petitioner does not make out the case for granting anticipatory bail. Therefore, this Court is not inclined to grant anticipatory bail to the petitioner.

7.Accordingly, this Criminal Original Petition is dismissed.

sd/-
28/06/2021

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/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

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- TO
- 1 THE INSPECTOR OF POLICE,
SRIVILLIPUTHUR TOWN POLICE STATION,
VIRUDHUNAGAR DISTRICT.
 - 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.7154 of 2021
Date :28/06/2021

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JM/MNR/SAR III/02.07.2021/3P/3C