



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Tenth day of January Two Thousand Twenty Two

PRESENT

The Hon`ble Mrs Justice T.V. THAMILSELVI

CRIMINAL ORIGINAL PETITION No.363 of 2022

KANNAN

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
P5, MKB NAGAR POLICE STATION,
CHENNAI
(CRIME NO.1398/2021)

[RESPONDENT]

For Petitioner : M/S.M.P.SARAVANAN Advocate for
M/S J.SAMIULLAH Advocate

For Respondent : MR.N.S.SUGANTHAN, Government Advocate, (Crl.Side)

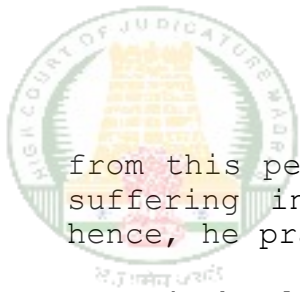
PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners who were arrested and remanded to judicial custody on 07.12.2021 for the offences under Sections 273, 328 of IPC r/w 24(1) of Cigarette and other Tobacco Products Act 2003 in Crime No.1398 of 2021, on the file of the respondent police, seek bail.

2. The case of the prosecution is that while the respondent police engaged in routine patrol, they found that the petitioner along with other another found in illegal possession of banned tobacco products. It is further alleged that they were indulged in the sale of banned tobacco products by keeping them in the MD Kitchen Tea Shop and on search, 124 kgs of banned tobacco worth about Rs.1,50,000/- , the same was seized from them. On enquiry, the respondent came to know that they purchased the said contraband on wholesale from Bangalore. Hence, the complaint.

3.The learned counsel for the petitioner submits that the petitioner is no way connected with the alleged offence and he has been falsely implicated in this case and no contraband has been seized



from this petitioner. He further submits that the petitioner has been suffering incarceration for more than 33 days from 07.12.2021 and hence, he prays to grant bail to the petitioners.

4. The learned Government Advocate (Crl. Side) would raise strong objection stating that the petitioner along with other another found in illegal possession of banned tobacco products. It is further alleged that they were indulged in the sale of banned tobacco products by keeping them in the MD Kitchen Tea Shop and on search, 124 kgs of banned tobacco worth about Rs.1,50,000/- , the same was seized from them. On enquiry, the respondent came to know that A1 is the owner of the alleged tea shop and they purchased the said contraband on wholesale from Bangalore and sold the same in and around the locality. He further submits that the petitioner is having one previous case.

5. Considering the facts and circumstances of the case and the submissions made by both counsel and also considering the gravity of offence, recovery of huge quantity of banned tobacco products from the accused, this court is not inclined to grant bail to the petitioners.

6. Accordingly, this Criminal Original Petition is dismissed.

-sd/-

10/01/2022

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 SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI.

2 THE INSPECTOR OF POLICE,
P5, MKB NAGAR POLICE STATION,
CHENNAI.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S J.SAMIULLAH Advocate on payment of necessary charges

CRL OP.363/2022

Date :10/01/2022

RW 25/01/2022