



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Fifteenth day of March Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.5898 of 2022

HITHISHKUMAR

[PETITIONER / ACCUSED]

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
J-9, THURAIPAKKAM POLICE STATION,
CHENNAI-600 097.
CR.NO.35 OF 2022.

[RESPONDENT]

For Petitioner : M/S.L.MURALI KRISHNAN Advocate

For Respondent : MR.S.SANTHOSH, Govt. Advocate (CrI. Side)

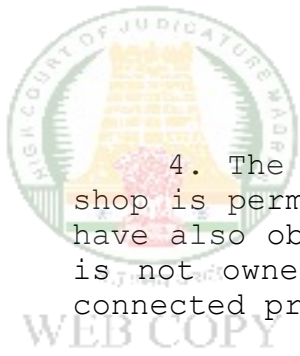
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences **under section 328 I.P.C and Section 24(1) of Cigarettes and other Tobacco Products Act, 2003 and Section 7 of Electronic Cigarettes Act** in Crime No.35 of 2022 seeks anticipatory bail.

2. Based on the secret information received by the respondent police, the premises of M/s. Little Goa shop, opposite to **Decathlon** Show room at Karapakkam was conducted ride. From the premises, certain incriminating materials were seized and they are said to be banned tobacco items which are hazardous for life.

3.The case has been registered on the complaint lodged by the occupants of the premises and further A1 to A3 were arrested. Based on their confession statements, the Investigating Officer has come to know that the petitioners herein, who is the person running the shop. Therefore they are in search of the petitioner herein to collect the information about the source of the prohibited items, which were stocked at the petitioner's shop.



4. The learned Counsel for the petitioner would submit that the shop is permitted to sell the accessories for Hukka and further they have also obtained GST registration. He further submits that the shop is not owned by the petitioner and he is nothing to do with the connected premises.

5. The learned Counsel further submits that the offences alleged to have been committed by the petitioner are bailable offence except Section 24(1) of Cigarettes and other Tobacco Products Act, 2003 and further submits that the offence under section 328 IPC has not been made out.

6. This Court after hearing the submissions made by the learned Counsel for the petitioner and the learned Government Advocate (Crl. Side) and on perusal of CD file placed on record, this Court finds that e-cigarette (32 Nos.), menthol liquid used for e-cigarette (24 Nos.) and AL Khalil Premium Molasses-24 500g each AL Khalil Premium Molasses -800, each 100 gram and E-Smoking kit which clearly shows that the prohibited items were stocked from the premises and were trading.

7. The observation Mahazar clearly indicates that the premises is used for engaging Hukka and other tobacco products along with thin papers gudka mug were all kept in the shop indicates that the premises is used for enjoying the gudka and other prohibited items by the customer.

8. The learned Government Advocate (Crl. Side) submits that the place of the seizure was opposite to the IT company and the prosecution is that the accused A1 to A3 were selling prohibited goods in the residential area and the accused persons were still absconding.

9. In view of the above facts and circumstances, this Court is of the view that the source of the prohibited material has to be investigated properly and for such investigation, custodial interrogation of the petitioner is required.

10. Accordingly, this Criminal Original petition is dismissed.

-sd/-
15/03/2022

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 INSPECTOR OF POLICE
J-9, THURAIPAKKAM POLICE STATION,
CHENNAI-600 097.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.L.MURALI KRISHNAN Advocate on payment of necessary
charges SR.NO.4003

CRL OP.5898/2022

Date :15/03/2022

TA-23/03/2022