



Crl.O.P.No.25576 of 2022

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**A.D.JAGADISH CHANDIRA, J.**

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 4(1)(aaa) and 4(1-A) of Tamil Nadu Prohibition Act, 1937 in Crime No.697 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 10.09.2022, during regular vehicle inspection/patrol conducted by the respondent police on the service Road under the Gurubarapalli Flyover at Hosur-Krishnagiri National Highway, they found that the petitioner along with other accused were in illegal possession of Karnataka State Liquor Packets (30 boxes each box contain Old Secret Strong xxx Rum 96 pouches 90 ML) totally 2880 (30x96=2880) pouches/packets in his Mahindra Pickup vehicle bearing Registration No.TN-67-AZ-4648. Hence the case.



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3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent person and he has been falsely implicated in this case. He would further submit that the petitioner has no previous case against him. He would also submit that without prejudice, the petitioner is prepared to deposit a sum of Rs.10,000/- to any Welfare Scheme of the Government and he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) would submit that the petitioner along with other accused were found in possession of 2880 pouches/packets of Karnataka State Liquor (30 boxes, each box contains 96 pouches). He would further submit that there is no previous case as against the petitioner and the co-accused has been arrested and he is still in Judicial Custody. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Heard both sides and perused the materials available on record.



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6. Taking into consideration the facts and circumstances of the case, the submissions of either sides and also taking note of the fact that the petitioner has come forward to deposit an amount of Rs.10,000/- to **the Dean, Krishnagiri Medical College Hospital, Krishnagiri**, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) directly to **the Dean, Krishnagiri Medical College Hospital, Krishnagiri** and on such deposit and on receipt of proof of payment, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate No.II, Krishnagiri**, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate



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concerned, failing which, the petition for anticipatory bail shall stand dismissed

and on further condition that:

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) directly to **the Dean, Krishnagiri Medical College Hospital, Krishnagiri**, to enable the Dean to use the aforesaid amount for the purpose of treating the alcohol influenced patients.

[c] **the petitioner shall report before the respondent police everyday at 10.30 a.m., until further orders.**

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.



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[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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