



Crl.O.P.No.26786 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)(g) and 4(1)(aaa) of the of Tamil Nadu Prohibition Act, 1937 in Crime No.18 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 20.04.2022 at about 2.30 p.m., when the respondent police along with his policemen were in regular patrol duty/inspection, and when they proceeded towards Mannurmalai near the petitioner's land, they noted that one person standing near the barrel and mixed by using stick, on the seeing them, the said person flee away from there. The respondent police went there and made search, they found 200 Litres of fermented wash in a barrel, two numbers of lorry tubes containing each 55 Litres of I.D.Arrack totally 110 Litres of I.D.Arrack. On enquiry, they came to know that the petitioner is the owner of the land and preparing I.D.Arrack. Hence, they seized the contraband and registered a case against the petitioner.



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3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. 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.25,000/- 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 was found in possession of 200 Litres of fermented wash in a barrel and 110 Litres of I.D.Arrack in two lorry tubes (each tube contains 55 Litres of I.D.Arrack) in his land. He would also submit that there is no previous case pending as against the petitioner. 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. Merely, because the petitioner has deposited the said amount, it would not amount to admission of his guilt. Therefore, it is open for the trial Court to deal with the case independently.

7. Taking into consideration the facts and circumstances of the case, the submissions made on both sides and also taking note of the fact that the petitioner has come forward to deposit an amount of Rs.25,000/- to **"The Dean/Medical Officer, Government Mohan Kumaramangalam Medical College and Hospital, Salem"**, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is directed to deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) directly to **"The Dean/Medical Officer, Government Mohan Kumaramangalam Medical College and Hospital, Salem"** 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



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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.I Attur**, 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 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.25,000/- (Rupees Twenty Five Thousand only) directly to **"The Dean/Medical Officer, Government Mohan Kumaramangalam Medical College and Hospital, Salem"** 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 daily at 10.30 a.m., until further orders.**

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



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[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]**.

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

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