



Crl.O.P.No.26820 of 2022

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A.D.JAGADISH CHANDIRA, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 4(1)(aaa) and 14A of Tamil Nadu Prohibition Act, 1937 in Crime No.445 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 14.10.2022 at about 12.30 a.m., during regular vehicle inspection/patrol conducted by the respondent police, they found that the petitioners were illegally transporting Pondicherry State Liquor Bottles in three white colour gunny bags (Directors Club-750 m.l. of 60 bottles and Super Select-180 m.l. of 400 bottles) in an Innova Car bearing Registration No.TN-02-W-6036. Hence the case.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He would further submit that without prejudice, the



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petitioners are prepared to deposit a sum of Rs.40,000/- to the Pondicherry Bar

Association and he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) for the respondent would submit that the petitioners were found in illegal possession of Pondicherry State Liquor Bottles in three white colour gunny bags (Directors Club-750 m.l. of 60 bottles and Super Select-180 m.l. of 400 bottles) in an Innova Car bearing Registration No.TN-02-W-6036. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

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

6. 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 petitioners have come forward to deposit a sum of Rs.40,000/- to **"the Pondicherry Bar Association, Integrated Court Complex, Cuddalore District, Puducherry - 605 001"** this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.



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7. Accordingly, each of the petitioner is directed to deposit a sum of Rs.40,000/- (Rupees Forty Thousand only) directly to **"the Pondicherry Bar Association, Integrated Court Complex, Cuddalore District, Puducherry - 605 001"** and on such deposit and on receipt of proof of payment, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the **Judicial Magistrate Court, Cheyyar** on condition that each of the petitioner shall execute a separate 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 petitioners 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] each of the petitioner shall deposit a sum of Rs.40,000/- (Rupees Forty Thousand only) directly to **"the Pondicherry Bar Association, Integrated Court Complex, Cuddalore District, Puducherry - 605 001"** and



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the acknowledgment for the same shall be produced before the learned Magistrate at time of execution of bond.

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

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

[e] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

04.11.2022

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