



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 27/01/2022

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD) . No.1122 of 2022

Sundar @ Rama Sundar

... Petitioner/Accused No.1

Vs

State rep.by
The Inspector of Police,
Nanguneri Police Station,
Tirunelveli District.
(Crime No.514 of 2021).

... Respondent/Complainant

For Petitioner : M/s.Ebenzer T.A., Advocate.

For Respondent : M/s.S.Manikandan,
Government Advocate (Crl.Side)

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

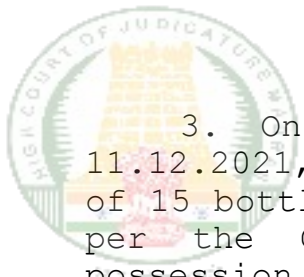
PRAYER :-

For Anticipatory Bail in Crime No.514 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner apprehending arrest at the hands of the respondent police for the alleged offence punishable under Section 4 (1-A) of Tamil Nadu Prohibition Act, 1937, on the file of the respondent police, seeks anticipatory bail.

2. The case against the petitioner is that the third accused, who is working in the Bar that belonged to the petitioner was found in possession of 15 accord brandy bottles . A case in Crime No.514 of 2021 was registered against the petitioner under Section 4(1-A) of Tamil Nadu Prohibition Act. The petitioner filed this petition for anticipatory bail.



3. On the side of the petitioner, it is stated that on 11.12.2021, the third accused was alleged to have been in possession of 15 bottles of brandy. The first accused is the Bar employee. As per the G.O.No.14, dated 09.06.2017, an individual can have possession of 4.5 Litres of Indian made Foreign liquor and the bottles seized were 15 bottles containing 180 ml each. The total quantity is 2700 ml (2.7 Litres) . The first accused was in possession of the liquor for his own consumption. The petitioner is no way connected with the offence and prayed the petitioner to be released on anticipatory bail.

4. On the side of the respondent, it is stated that the second accused was arrested and released on bail. The petitioner is the owner of the Bar. Government Order is applicable only for private persons, not the shop owner. The liquor was sold after the permitted time is over and prayed the petition to be dismissed.

5. On the side of the petitioner, by way of reply, it is stated that the employee of the Bar was in possession of the liquor, for his own consumption. The employee is an individual person and that there is no previous case against the petitioner and prayed the petitioner to be released on anticipatory bail.

6. It is seen that the liquor involved is below the prescribed quantity. The liquor was seized only from the third accused and not from this petitioner. There is no bad antecedents against this petitioner and the second accused was already released on bail.

7. In view of the above, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate, Nanguneri, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and the petitioner shall appear before the respondent police daily at 10.30 a.m. For a period of 15 days and thereafter, as and when required for interrogation. The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C scrupulously.

9. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail shall stand dismissed.

Sd/-
27/01/2022

/ TRUE COPY /

/ /2022
Sub-Assistant Registrar (C.S.II)
Madurai Bench of Madras High Court,
Madurai - 625 023.



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE JUDICIAL MAGISTRATE,
NANGUNERI.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE,
NANGUNERI POLICE STATION,
TIRUNELVELI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP (MD) No.1122 of 2022
Date :27/01/2022

SP/JM/SAR II/04/02/2022/3P/5C