



Crl.O.P.No.8214 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 4(1)(aaa) and 4(1-A) of TNP Act, 1937 in Crime No.301 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused were found in illegal possession of 264 litres of illicit Pondy Arrack. Hence, the complaint was registered.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he is only the worker in the liquor shop other than that he is nothing to do with the alleged offence. Hence, he seeks for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent Police would submit that the petitioner along with other accused were found in illegal possession of 264 litres of illicit Pondy Arrack. He further submit that the petitioner has no previous case pending against him. Hence, he would vehemently opposed for grant of anticipatory bail to the



Crl.O.P.No.8214 of 2023

petitioner.

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5. Heard the learned counsel on either sides and perused the entire 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 petitioner has no previous case pending against him, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, 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 **Judicial Magistrate No.I, Mayiladuthurai**, 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



Crl.O.P.No.8214 of 2023

the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

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

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

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

[e] 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]**.

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

17.04.2023

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Crl.O.P.No.8214 of 2023

A.D.JAGADISH CHANDIRA, J.

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Crl.O.P.No.8214 of 2023

17.04.2023

Page 4 of 4