



Crl.OP.No.13883 of 2023

A.D.JAGADISH CHANDIRA, J.

The petitioner, who apprehends arrest for the alleged offences under Sections 4(1)(a), 4(1-A) of TN Prohibition Act, in Crime No.465 of 2023 pending on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the when the respondent police was in regular patrol, they found that the petitioner was found to be in possession of 3 Brown Colour Carton Box, 96 bottles of 90 Ml Double Kick Whisky, 24 packets of 180 Ml Double Kick Whisky, 24 packets of 180 Ml Carnival XXX Rum, 96 bottles of 90 Ml Old Secret strong XXX Rum, 1 bottle of 750 Ml Mc Dowells Delux XXX Rum, 1 bottle of 750 Ml old Monk XXX Rum, 2 plastic bottles of 180 Ml of illicit liquor without seal and label. Totally, 27780 Ml of various brands of liquor were seized by the respondent police. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioner is an innocent and he has been falsely implicated in this



case. He would further submit that without prejudice to his rights, the petitioner is prepared to deposit a sum of Rs.20,000/- to the Government for any welfare purpose that may be imposed by this Court and he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that the petitioner was found to be in possession of 27780 Ml of various brands of liquor. He would also submit that there is no previous case against the petitioner. However, he would vehemently oppose to grant anticipatory bail to the petitioner.

5. Taking into consideration the facts and the submissions made the and the petitioner is ready and willing to deposit a sum of 20,000/- to the Government for any welfare purpose, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is directed to deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only) as non-refundable deposit either through RTGS/NEFT or in cash in favour of ***“The Dean,***



Government Medical College Hospital, Krishnagiri" and on such deposit and production of proof, 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-II, Hosur*** 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 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 report before the respondent police every day at 10.30 a.m for a period of four weeks and thereafter on every Saturday 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.

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[e] 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]**.

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

22.06.2023

Vv



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Vv

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