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Crl.O.P.No.15841 of 2023

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G.CHANDRASEKHARAN. J.

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offences under Section 4 (1) (aa) r/w 4 (1-A) of TN Prohibition Act in Crime No.127 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.It is the submission of learned counsel for the petitioner that petitioner is falsely implicated in Crime No. 127 of 2023 for the offences under Section 4 (1) (aa) r/w 4 (1-A) of TN Prohibition Act. Petitioner is innocent. Apprehending arrest, this petition is filed seeking anticipatory bail.

3.In response, the learned Government Advocate (Criminal side) submitted that petitioner is the owner of the bar. He used to sell liquor in the bar beyond the time permitted and also mixed some substance to give additional kick. Co-accused had been arrested and released on bail. During the course of search, the following liquor bottles with added



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substance were recovered.

- i)180 ML Black Pearl Brandy – 116 bottles,
- ii)180 ML Express Brandy – 119 bottles
- iii)180 ML Kada Mark Brandy – 21 bottles
- iv)180 ML Chevalier Brandy – 2 bottles
- v)180 ML Imperial XO Brandy – 2 bottles
- vi)180 ML Royal Accord Brandy – 1 bottle
- vii)180 ML Old Monk Rum – 5 bottles
- viii)180 ML Aspira Rum – 2 bottles
- ix)650 ML Spiel Beer – 5 bottles
- x)650 ML British Empire Beer – 2 bottles
- xi)500 ML British Empire TN Beer – 1 bottle

4.Considered the submissions and perused the records.

5.When this Court asked whether chemical analysis of the liquor seized was conducted, the learned Government Advocate (Criminal side) produced the chemical analysis report. It is seen from the chemical



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analysis report that the sample contained only ethyl alcohol, but it does not contain Methyl alcohol and atropine poisonous substances. In such circumstances, this Court is of the view that custodial interrogation of the petitioner is not necessary. This Court is inclined to grant anticipatory bail to the petitioner. Petitioner is directed to make a non-refundable deposit of **Rs.25,000/- (Rupees Twenty Five Thousand only)** by way of **Demand Draft/RTGS/NEFT** to the credit of the **Cancer Institute (WIA), East Canal Bank Road, Adyar, Chennai**, without prejudice to his rights and contentions before the trial Court. On such deposit and production of proof, 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 XIII Metropolitan Magistrate, Egmore, Chennai**, 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



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further condition that:

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[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 without prejudice to his defence shall deposit a non-refundable sum of Rs.25,000/-, by way of Demand Draft to the Cancer Institute (WIA), East Canal Bank Road, Adyar, Chennai and that the receipt of such payment shall be produced before the concerned Magistrate at the time of executing the bond; It is made clear that merely, because the petitioner deposits the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.

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



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

[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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