



Crl.O.P.No.18476 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.08.2023

CORAM

THE HON'BLE MR. JUSTICE **G.CHANDRASEKHARAN**

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Siddiq

...Petitioner/Accused -1

Vs.

State Rep by
The Sub Inspector of Police,
Veppadai Police Station,
Namakkal District,
Crime No. 241 of 2023.

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in connection with Crime No. 241 of 2023 on the file of respondent police.

For Petitioner : M/s. T.N.Rangesh Kanna

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 19.07.2023 for the offence punishable under Sections 4(1)(aaa) and 4(1-A) of Tamil Nadu Prohibition Act in Crime No.241 of 2023 on the file of the respondent police, seeks bail.

2.The learned counsel for the petitioner submitted that, petitioner is falsely implicated as an accused in Crime No.241 of 2023 for the offences punishable under Sections 4(1)(aaa) and 4(1-A) of Tamil Nadu Prohibition Act, for the reason that, he was in possession of 704 liquor bottles. Petitioner is innocent. Petitioner is in judicial custody from 19.07.2023. Therefore, he prays for grant of bail to the petitioner.

3. Learned Additional Public Prosecutor, opposed this petition, on the ground, on 19.07.2023, at about 00.30 hours, on secret information, defacto complainant along with police party found the accused standing in front of Tharipattarai of one Loganathan. On suspicion, he was enquired and he identified himself as Siddiq, S/o.Shajagaan. When search was made, it was found that, he had the following liquor bottles,



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(i) 12 bottles of Black Pearl Beer (ii) 12 bottles of SNG beer (iii) 12 bottles of Kingfisher (iv) 95 bottles of Express 375 ml (v) 48 bottles of Mens club 375 ml (vi) 96 bottles of Black Pearl 375 ml (vii) 96 bottles Dimand XXX Rum 180 ml (viii) 45 bottles of MC Daul 180 ml (ix) 96 bottles of Black Pearl 180 ml (x) 192 bottles of Express 180 ml. On opening four liquor bottles, it smelled like poison. Thereafter, liquor bottles were seized and case was registered. However, he prays for dismissal of this petition.

4. On a query by this Court, as to where the petitioner got these bottles, learned Additional Public Prosecutor, on instructions from Mr.N.Athiappan, Sub-Inspector of Police, submitted that, Investigating Officer has not investigated on this point. He further submitted that, samples from 7 bottles were sent for chemical analysis.

5.Considering the nature of the offences, alleged against the petitioner and that manner in which, the investigation is conducted and the fact that, petitioner is in judicial custody from 19.07.2023, this Court is inclined to grant bail to the petitioner with conditions and the



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petitioner is ordered to be released on bail on his executing 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 **Judicial Magistrate, Kumarapalayam at Namakkal** and on further conditions that :-

[a] 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 daily morning at 10.30 a.m., until further orders.

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

[d] the petitioner shall not tamper with evidence or witness 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].



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

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gd/nsI

To

1. The Judicial Magistrate,
Kumarapalayam,
Namakkal District.
2. The Inspector of Police,
Veppadai Police Station,
Namakkal District.
3. The Sub Jail,
Thiruchengode.
4. The Public Prosecutor,
High Court of Madras

G.CHANDRASEKHARAN. J.

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