



Crl.OP.No.25262 of 2023

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C.V.KARTHIKEYAN, J.

The petitioner/A15 who was arrested and remanded to judicial custody for the offences punishable under Sections 4(1)(aa), 4(1-A)(ii) of TNP Act and Rule 6 and 7 of the Tamilnadu Rectified Spirit Rules 2000, in Crime No.486 of 2023, seeks bail.

2.The learned counsel for the petitioner states that the petitioner herein is a transporter having a fleet of lorries and stated that he is from Madhya Pradesh and totally ignorant of the nature of the offences, or the reasons for which he had been taken into custody or the nature of the allegations against him. It is contended that earlier, FIR in Crime No.730 of 2023 had been registered by PEW Maduranthagam Police Station, in which, the petitioner was not shown as an accused but still had been taken into custody. Similarly, yet another FIR in Crime No.118 of 2023 had been registered by PEW Maduranthagam Police Station, wherein, again in the FIR, he was not shown as an accused but had been taken into custody. In both the cases, bail had been granted after 28 days of incarceration on 29.09.2023. It had been stated that at that particular point of time, the petitioner had been again taken into custody in FIR in Crime No.486 of 2023. The learned counsel again stated that the petitioner is only a transporter having lorries and resident at Madhya Pradesh and stated that he has no knowledge about the nature of the



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offences and proclaimed innocence and ignorance about the allegations against him. The learned counsel further stated that the petitioner has been in custody for the past 42 days and sought that this Court should take into consideration the period of incarceration and therefore, seeks bail.

3.The case of the prosecution is that A12, one Dhanasekaran is the main person who sells rectified spirit across the State of Tamilnadu and he had been taken into custody and on his confession, it had been revealed that A10 is the owner of the lorry which was actually seized. It was also revealed that A13/son-in-law of A12 acted as a translator and A14 acted as a broker and all of them had stated that they purchased rectified spirit from the petitioner herein who is the main supplier/ seller of rectified spirit, not in Madhya Pradesh, but in Tamilnadu. In effect, the petitioner is probably trying to act as a competitor to the TASMAL shops operated by the Government. The total quantity of rectified spirit seized as stated in the order of learned Principal Sessions Judge, Tiruvannamalai is 4325 litres.

4.It is stated that the respondent had been keeping watch on the house of A1/Vijayakumar and he had been taken into custody on 28.05.2023 and from his house, 4 cans of rectified spirit (weighing about 35 litres) had been seized and on his confession, the prosecution moved over to the house of A5, where again, substantial quantity of rectified



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spirit had been seized and then, on his confession, they moved over to the house of A7, where again, 15 cans of 35 litres of rectified spirit had been seized. It is thus stated 1925 litres had been seized insofar as this offence itself is concerned. It had therefore been stated that the petitioner is the main supplier of the illicit spirit from Madhya Pradesh. The investigation will have to be done with respect to the source and with respect to the trail of money in all these aspects. Further it is to be noted that two first information reports had been registered in the District of Chengalpattu by PEW Maduranthagam Police Station and the present first information report had been registered in the District of Tiruvannamalai.

5.The learned counsel for the petitioner states that the name of the petitioner was not found in any of the First Information Reports. Investigation alone will reveal the role of all the accused.

6.It is thus seen that in two separate Districts, substantial quantity of rectified spirit had been seized and the respondent have raised a definite allegation that it is the petitioner herein who has supplied the rectified spirit. Further investigation is therefore required to find out whether the petitioner had similarly transported rectified spirit to other Districts within the State of Tamil Nadu or elsewhere.

7.Taking into consideration all these facts, this Court is not inclined to grant bail to the petitioner.



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8. Hence, this Criminal Original Petition stands dismissed.

21.11.2023

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