



CrI.OP.No.25316 of 2023

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C.V.KARTHIKEYAN, J.

The petitioner/A20 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.288 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, the 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.288 of 2023. The learned counsel again stated that the petitioner is only a transporter having lorries and is a resident at Madhya



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Pradesh and stated that he has no knowledge about the nature of the 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 TASMACHOP 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 the contention of the learned counsel for the respondent that A12, one Dhanasekaran, is the person who supplied rectified spirit for retail sale across the State of Tamil Nadu. It is stated that he had been taken into custody.



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5. It is the contention of the learned Government Advocate that A1 Mohandass had been taken into custody and from his place, 125 cans each containing 35 litres of rectified spirit had been seized. The respondent then moved upwards from the confession of A1 and finally landed up to A12/Dhanasekaran, who is alleged to be the main kingpin of distribution of rectified spirit. The supply of rectified spirit is not possible unless somebody supplies it to A12.

6. It is the specific case of the respondent that it is the petitioner in Madhya Pradesh who supplied the rectified spirit through the network available with him.

7. Again, investigation will have to be done to find out whether in any other District the rectified spirit had been supplied.

8. It is very serious offence. I am not inclined to take the statement made by the learned counsel for the petitioner that the petitioner is innocent and ignorance of the offence at its face value. The petitioner necessarily has to answer the allegations made against him.

9. Hence, this Criminal Original Petition stands dismissed.

21.11.2023

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