



Crl.O.P.No.25978 of 2023

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C.V.KARTHIKEYAN, J.

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences under Sections 353, 506(i) IPC and 20(1) of Cigarette and Other Tobacco Products Act, 2003 in Crime No.357 of 2023 seeks anticipatory bail.

2. The learned counsel for the petitioner stated that the petitioner is an innocent person and he has been falsely implicated for the offences under Sections 353, 506(i) IPC and 20(1) of Cigarette and Other Tobacco Products Act, 2003 in Crime No.357 of 2023. Thus, he seeks anticipatory bail to the petitioner.

3.The petitioner is the owner of the lorry bearing No.UP 14 GT 5634. It is the case of the respondent that on 01.10.2023, when the respondent were on duty at Madhavaram, they tried to stop the lorry, but it did not stop. After some distance, it broke down. The respondent police also found a two wheeler was guiding the lorry. The two wheeler had been seized. The lorry driver and one of the persons in the two wheeler had been taken



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into custody. They are A1 and A2. The driver of the lorry stated that the lorry had been leased out to Agarwal Packers and Movers and the lorry had gone over to Noida for transporting household articles. Thereafter, it went over to Gaziapad and picked up the banned tobacco products, One tonne (1,000 kgs). It was kept in a separate cavity in the lorry and it was brought out to Tamil Nadu.

4.It is a specific case of the respondent that investigation is at a preliminary stage. The mobile phones have been recovered and the two wheeler and the lorry have also be seized. In the counter affidavit filed, it had been stated that the role of all the accused have to be examined.

5.The learned counsel for the petitioner however stated that though the seizure was on 01.10.2023, no investigation has been conducted. It had been stated that the call details recorded have not been collected. The entire story has been spun by the respondent.

6.But however, the quantity of banned tobacco seized is a substantial quantity, which is about 1000 kgs. Investigation will have to be



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conducted. Since the accused are not within this state, it will take its own time.

7.The petitioner is admittedly the owner of the lorry. He will have to be examined with the statement of the driver that the lorry was leased out to Agarwal Packers and Movers and the lorry went to Noida for the purpose of transporting household articles and then went to Gaziapad and picked up the contraband and came down all the way to Chennai. It will also have to be explained by the petitioner as to how a separate cavity has been fixed in the lorry for the purpose of transporting the banned tobacco products. All these requires investigation.

8.Taking into consideration all the factors of the case, I am not inclined to grant anticipatory bail to the petitioner at this stage. Accordingly, this Criminal Original Petition is dismissed.

28.11.2023

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