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CrI.O.P.No.3715 of 2024

C.V.KARTHIKEYAN, J.

The petitioner who was arrested and remanded to judicial custody on 21.01.2024 for the offences registered by the respondent Police under Sections 4(1)(aaa), 4(1-A), 4(1)(b), 4(1)(g), 4(1)(h) of Tamil Nadu Prohibition Act, 1937 and Section 7 of Tamil Nadu Rectified Sprit Rules, 2000 and Sections 420, 467 468, 471 of IPC and also Sections 34 and 109 of IPC, in Crime No.2033 of 2023, seeks bail.

2.It is the contention of the learned counsel for the petitioner that in the FIR, the petitioner was not arrayed as an accused, but subsequently in the confession of A1, it had emanated that this petitioner had supplied empty bottles to A1 in order to fill the liquor and supply it in the block market.

3.The learned counsel for the petitioner stated that A17, A18 and A19 who also stand on the same footing had been granted bail.

4.A counter had been filed wherein, it had been stated that on 11.12.2023, the respondent had taken into custody A2 and A3. Their confessions were recorded. Subsequently, further accused had also been taken into custody and their confessions were also recorded.

5.The learned counsel for the petitioner made a further plea that the petitioner has been doing business for nearly more than a decade which has also been registered under GST and had necessary trade license to deal with the scrap materials particularly about empty bottles. It is stated that he had been supplying empty bottles across many places.



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6. The specific case of the prosecution is that the petitioner had not directly supplied to the other accused particularly A1, A2 and A3 but rather A17 atleast had purchased empty bottles from the petitioner herein and thereafter, those bottles have been used for selling spurious liquor. Rectified spirit is a banned substance so far as the State of Tamil Nadu is concerned.

7.The respondent had seized nearly about 2595 litres of rectified spirit and 5415 empty bottles (each containing 180ml).

8.The matter has to be investigated further and merely because the learned Sessions Judge had granted bail to A17, A18 and A19, would not imply that the same ratio has to be applied to the petitioner herein who is the primary supplier of these empty bottles.

9.The Court had the benefit of perusing the records and there are materials linking the petitioner herein to the actual sales of rectified spirit.

10.At this stage, this Court is not inclined to grant bail to the petitioner.

11.Hence, this Criminal Original Petition is dismissed.

12.03.2024

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