



Crl.O.P. No.21905 of 2024

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WEB CO P.DHANABAL.J.,

The petitioner apprehends arrest for the alleged offences under Sections 4(1)(B) r/w. Section 5-A of the Tamil Nadu Prohibition Act in Crime No.702 of 2024, on the file of the respondent police seeks anticipatory bail.

2.The case of the prosecution is that on 24.08.2024, the respondent police had inspected the petitioner's hotel, in which they found some of the customers had meals along with liquor bottles. The respondent police found in illegal possession of 12 beer bottles in the kitchen fridge and they seized the liquor bottles. The petitioner without having any valid license, he sold liquor illegally along with food to his customers in the restaurant. Hence the case.

3. The learned counsel for the petitioner would contend that there are no liquor bottles found in the petitioner's hotels. The hotel servant has falsely mentioned the owner's name and at the time of occurrence, the petitioner was out of station. This petitioner has been falsely implicated in this case. This petitioner is an innocent person and he had not indulged in



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any illegal activities as alleged by the prosecution and he has been falsely implicated in this case by the respondent police. Hence, he seeks anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) would submit that this petitioner without having any valid license, he sold liquor along with food to his customers in the restaurant. This petitioner has no previous case. The alleged material involved in this case is not comes under the commercial quantity. However, the learned Government Advocate (Criminal Side) vehemently opposed to grant anticipatory bail to the petitioner.

5. Heard both side and perused the materials available on record.

6. Considering the rival submissions on either side, considering the nature of offence, this petitioner has no previous cases, the material involved in this case is not comes under the commercial quantity and considering other aspects, this court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:



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7. Accordingly, the petitioner is ordered to be released on anticipatory bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned **District Munsif cum Judicial Magistrate, Thirukkazhukundram** on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioner shall report before the respondent police on every Saturday at 10.0 a.m. for the period of four weeks;

[b] the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

[c] the petitioner shall not leave India without the prior permission of the Court.

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



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[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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.2023.

09.09.2024

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