



**Crl. O.P. No.26327 of 2024**

**Crl. O.P. No.26327 / of 2024**

**P. DHANABAL.J.,**

WEB COPY

The petitioner / Accused, who apprehends arrest in the hands of the respondent police for the offences punishable under Sections 4(1)(a), 4(1-A) and 14A of the TN Prohibition Act in connection with the Cr. No.306 of 2024, seeks anticipatory bail.

2. The case of the prosecution is that on 20.06.2024 at about 12 hours, the Sub-Inspector of Police received a secret information and based on that, the respondent police went to the scene of occurrence near Kuyavankulam and conducted a prohibition patrol and saw the accused coming in his two wheeler bearing Registration No.TN31 CD 5549 with illegal transportation of 8 litres of rectified Spirit and 20 bottles of 90 ml XXX Brandy. Hence the case.

3. The learned counsel for the petitioner would contend that this petitioner has been arrayed as an accused in an another case in Cr. No.301 of 2024 and hence he has been falsely implicated in this case also and he is nothing to do with the commission of the offence and only to harass the petitioner, he has been implicated in this case as an accused and he is an



**Crl. O.P. No.26327 of 2024**

innocent and he has not committed any offence as alleged in the FIR.

Hence, the petitioner may be released on bail.

4. The learned Government Advocate (Criminal Side) would submit that the petitioner had illegally possessed 8 litres of Rectified Spirit and 20 bottles of 90 ml XXX Brandy by carrying in his two wheeler and on enquiry, it came to know that the petitioner has purchased the same from Pondicherry and sold in the local areas. The seized materials and the vehicle are yet to be produced before the Court. The case is under investigation. Custodial interrogation is necessary in this case. Further, the petitioner is also involved in 41 other cases of similar nature of offences. Hence he strongly opposed to grant anticipatory bail to the petitioner.

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

6. Considering the rival submissions on either side, considering the nature of offences and quantity of materials involved in this case, considering the fact that though the petitioner is involved in 41 other cases, 23 of them were disposed of and in all other cases, bail was granted



**Crl. O.P. No.26327 of 2024**

to the petitioner, I am inclined to grant anticipatory bail to the petitioner  
subject to the following conditions.

7. Accordingly, the petitioner is ordered to be released on 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 **Judicial Magistrate Court No.II, Cuddalore** 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 Thittakudi Police Station daily at 10.00 a.m. until further orders;**

[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;

[c] the petitioner shall not leave India without the previous



**Crl. O.P. No.26327 of 2024**

permission of the Court;

WEB COPY

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

[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.

28.10.2024

mjs

**P.DHANABAL,J**  
mjs

To

- 1.The Judicial Magistrate Court No.II, Cuddalore
2. The Public Prosecutor, High Court, Madras.



**Crl. O.P. No.26327 of 2024**

3. The Inspector of Police, Cuddalore Old Town Police Station, Cuddalore District.

4. The Inspector of Police, Thittakudi Police Station, Cuddalore District.

**CRL O.P. No.26327 of 2024**

28.10.2024