



Crl.O.P.No.27513 of 2024

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P.DHANABAL,J.

The petitioner/accused who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Section 123 of BNS Act, 2023 and Section 24(1) of Cigarette and other Tobacco Products Acts, 2003 in Crime No.387 of 2024 seeks anticipatory bail.

2. The case of the prosecution is that when the respondent police was on regular patrol, they found that Hans weighing about 475 kgs, Cool Lips Tobacco weight 154 Kgs, Vimal Betel Nut 214 Kgs, VI Tobacco 71 kgs, MDM Betel Nuts 30kgs , Swagath Tobacco 70 kgs, totally, 1014 kgs and same was seized by them. Hence, the complaint.

3. The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution. He further submits that based on the confession statement he was arrayed as accused in this case. He further submits the prime accused was arrested and released on bail and he is ready to abide by



Crl.O.P.No.27513 of 2024

any stringent conditions imposed by this Court. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submits that the respondent police had seized 1014 kgs of various banned tobacco products. Hence, he vehemently opposed for the grant of anticipatory bail to the petitioner.

5. Heard the learned counsel for the petitioner as well as the learned Government Advocate (Crl.Side) and perused the materials available on record.

6. Considering the nature of offence and there is no previous case against the petitioner and also the fact that the co-accused was arrested and enlarged on bail and considering all other aspects, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the



CrI.O.P.No.27513 of 2024

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 **Judicial Magistrate-II, Alandur** 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 every day at 10.30 a.m., for 30 days.

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial.

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

[d] 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].



Crl.O.P.No.27513 of 2024

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

30.10.2024

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Crl.O.P.No.27513 of 2024

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