



Crl.O.P.No.29390 of 2024

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A.D.JAGADISH CHANDIRA, J.

Apprehending arrest in connection with Crime No.225 of 2024, registered for the offences punishable under Sections 4(1)(C), 4(1-A)(ii) The Tamil Nadu Prohibition (Amendment) Act, 2024, the present petition has been filed seeking anticipatory bail.

2.The case of the prosecution is that on 23.10.2024 at about 13.00 hrs. on secret information, the defacto complainant and the police party went to the land of the petitioner situated at Mattapattu Village and found that the petitioner and his wife were in possession of 5 litres of illicit arrack kept in 10 liters cane, suspected to be of spurious nature and 25 bags of jaggery (each bag contained 60 kg of jaggery, weighed total 1,500 kg jaggery) in the land of accused, and from the petitioner's wife was in possession of 5 litres of illicit arrack and 25 bags of jaggery kept in the land of the petitioner, on seeing the police they tried to escape from the scene of occurrence. Hence the case.

3.Pleading innocence on the part of the petitioner, false implication in the case, learned counsel for the petitioner seek indulgence of this court. He further submits that the petitioner owned 1½ acres of land and doing



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agricultural operations by planting sugar cane and preparing jaggery in their sugar cane Alai and having jaggery for commercial purpose and not for any illegal activities or for preparing illicit arrack. He further submits that petitioner is ready to abide by any stringent condition that may be imposed by this Court.

4.The case of the prosecution as putforth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of anticipatory bail, is that the petitioner and his wife were in possession of 5 litres of illicit arrack kept in 10 liters cane, suspected to be of spurious nature and 25 bags of jaggery (each bag contained 60 kg of jaggery, weighed total 1,500 kg jaggery) in the land of accused. A2 arrested and released on bail. He would further submit that there is no previous case pending as against the petitioner.

5.Having heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record, this court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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



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of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate, Sangarapuram**, on condition that the petitioners shall execute a bond for a sum of Rs.15,000/- (Rupees Fifteen Thousand only) each with two sureties, each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of his Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall report before the respondent police on every day at 10.30 a.m., for a period of two weeks, and thereafter on every Saturday at 10.30 a.m., until further orders;

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioner shall not abscond either during



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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 abscond, a fresh FIR can be registered under Section 269 of B.N.S.

25.11.2024

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