



CRL OP(MD). No.18802 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/11/2024

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

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Surendhar

... Petitioner/ Petitioner Accused No.9

Vs

The State of Tamil Nadu,
Rep By The Sub Inspector of Police,
Prohibition Enforcement Wing,
Tirunelveli City,
Cr.No.398 of 2024.

... Respondent/ Respondent
Complainant

For Petitioner : Mr.S.Sathyachidambaram, Advocate

For Respondent : Mr.S.Ravi,
Additional Public Prosecutor

PETITIONS FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Cr.No.398 of 2024 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A9, who was arrested and remanded to judicial custody on 08.09.2024 for the offences under Sections 4(1)(aaa), 4(1)(A), 4(1-A)(ii) and 14(A) of Tamil Nadu Prohibition Amendment Act, r/w Sections 318(4), 336(3), 336(4) in Crime No.398 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the police got a tip of on 05.09.2024 to the

<https://www.mhc.tn.gov.in/judis>



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effect that huge quantity of liquor bottles are found in the house of A1. Accordingly, a police team was sent to the residence of A1 and they seized 1107 bottles of liquor. Thereafter, 679 bottles were also seized from a lorry. A1 was arrested on the same day. On further investigation, it was found that there are totally ten accused persons in this case and the petitioner has been arrayed as A9.

3. The learned Additional Public Prosecutor appearing for the respondent police submitted that huge quantity of liquor bottles have been seized from the accused persons. These liquor bottles were brought from Bangalore on the guise of bringing some chemical bottles. The sample was also sent for chemical analysis and it was found that it contained Atropine except in two beer bottles. The learned Additional Public Prosecutor by placing the Forensic Examination Report before this Court submitted that the liquids did not contain Methyl Alcohol but however, most of it contained Atropine, which proves fatal if it is consumed beyond a particular level. The learned Additional public Prosecutor submitted that except A8 and A9, all other accused persons were arrested. A1 was detained under Act 14, 1982. The learned Additional public Prosecutor further submitted that one previous case is pending against the petitioner under 302 IPC when he was a juvenile offender.

4. The learned Counsel appearing for the petitioner submitted that the petitioner has been falsely roped in this case based on the confession of A1. The



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learned Counsel further submitted that the petitioner has suffered incarceration from 08.09.2024 onwards.

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5.This Court has carefully considered the submissions made on either side and the materials available on record.

6.Taking into consideration the facts and circumstances of the case and also considering the fact that the petitioner has already suffered incarceration from 08.09.2024 onwards and the entire liquor bottles have been seized and the chemical analysis report have also been received and the petitioner has been roped in this case based on the confession of A1, this Court is inclined to grant bail to the petitioner subject to the following conditions.

7. Accordingly, the criminal original petition is ordered and the petitioner is ordered to be released on bail on executing 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 Judicial Magistrate No.I, Tirunelveli, Tirunelveli District, and on further conditions that:-

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

[b] the petitioner shall report before the respondent police daily at 05.30 p.m



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trial Court.

until further orders except on the days when the case is posted for hearing before the

[c] the petitioner shall appear before the trial Court during every hearing date without fail.

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

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

[f] 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
11/11/2024

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11 / 11 / 2024

Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.



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TO

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1 THE JUDICIAL MAGISTRATE
NO.I, TIRUNELVELI DISTRICT.

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, THIRUNELVELI DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI, TIRUNELVELI DISTRICT.

4 THE SUB INSPECTOR OF POLICE,
PROHIBITION ENFORCEMENT WING, TIRUNELVELI

5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to S.SATHYACHIDAMBARAM Advocate SR.No.13804(I) dated 11/11/2024

ORDER

IN

CRL OP(MD) No.18802 of 2024

Date :11/11/2024

PSP/ /SAR /11.11.2024/ 5P/ 7C

Madurai Bench of Madras High Court is issuing certified
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