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Crl OP No.5260 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.02.2025

CORAM :

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.5260 of 2025

Udhayakumar

... Petitioner

Versus

The State rep by
The Inspector of Police,
Prohibition Enforcement Wing,
Uludurpet Police Station,
Kallakurichi District.
(Cr.No.2 of 2025)

... Respondent

Prayer: Criminal Original Petition filed under Section 482 of BNSS, 2023, to enlarge the petitioner on bail in the event of his arrest or on his appearance before any Court in connection with the case in Cr.No.02 of 2025 pending investigation on the file of the respondent police.

For petitioner : Mr.Guruprasad Manoharan

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 4(1)(aaa), 4(1)(h), 4(1)(b), 4(1)(i) and 14 A of Tamilnadu Prohibition Act, under



Section 4(1)(A) of Tamil Nadu Prohibition(Amendment) Act, 2024, r/w Section 318, 336, 340 and 341 of Bharathiya Naya Sanhita (BNS), 2023 under Section 415, 463, 470 and 473 of IPC in Crime No.02 of 2025, seeks anticipatory bail.

2. The case of the prosecution is that 1200 bottles of Express Brandy and 1200 bottles of Black Peral Brandy were seized from A1 and A2 and the petitioner was implicated on the confession of the co-accused on the ground that he had supplied the contraband to A1 and A2.

3. The learned counsel for the petitioner submitted that no contraband has been seized from the petitioner and he is sought to be implicated only on the confession of the co-accused and in any case, the custodial interrogation is not required in this case and hence prayed to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and on instructions submitted that that there are four previous cases against the petitioner under the IPC and he is on bail in those cases.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) for the respondent and also perused the materials available on record.



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6. Considering the nature of allegation, the fact that no contraband was seized from the petitioner; that he has been implicated on the confession of the co-accused; the petitioner is on bail in the pending cases and since custodial interrogation of the petitioner is not required for the purpose of investigation, this Court is 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 is made ready, before the ***Judicial Magistrate-I, Ulundurpet*** on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties 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 conditions 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 their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.



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

[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 is 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 BNS.

27.02.2025

Vv

To

1. The Judicial Magistrate-I, Ulundurpet
2. The Inspector of Police,
Prohibition Enforcement Wing,
Uludurpet Police Station,
Kallakurichi District.
3. The Public Prosecutor,
High Court of Madras,
Chennai.

SUNDER MOHAN, J.

Vv



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