



Crl. O.P. No.6146 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.03.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.6146 of 2025

Akbar Basha S/o. Salam Sahibu

... Petitioner/Accused

Vs.

The State represented by-

The Sub-Inspector of Police,
Paradarami Police Station,
Vellore District.

(Crime No.10 of 2025).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, pleased to enlarge the petitioner on bail, in connection with the Crime No.10 of 2025, pending investigation on the file of the respondent Police.

For Petitioner : Mr. T. Muruganantham

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

ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 08.02.2025, seeking bail in Crime No.10 of 2025 registered for the offence under Sections 7(5) and 20(2) of Cigarette and other Tobacco Products Act, 2003 read with Section 123 of B.N.S.



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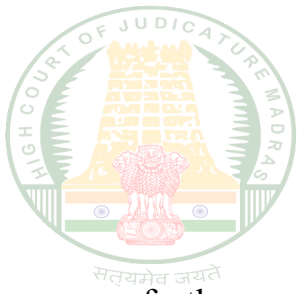
2. The case of the prosecution is that the petitioner was found to be in illegal possession of 8 Hans bundle containing 120 Hans pouches weighing about 2 kgs.

3. Learned counsel appearing for the petitioner submitted that petitioner is in custody from 08.02.2025; that no previous case has been pending against him and since the contraband has been seized, the petitioner may be released on bail.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police, while opposing for grant of bail to the petitioner, submitted that the petitioner has no previous case and contraband has been seized.

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

6. Considering the nature of allegations, period of incarceration, contraband has been seized, no previous case is pending against the petitioner and since



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further custody is not required for the purpose of investigation, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **Judicial Magistrate, Gudiyatham.**

[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, everyday at 10.30 a.m., until further orders;

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

[d] the petitioner shall not tamper with evidence or witness 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



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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.

05.03.2025

mjs

To

1. The Judicial Magistrate,
Gudiyatham.
2. The Sub-Inspector of Police,
Paradarami Police Station,
Vellore District.
3. The Superintendent of Police,
Central Prison, Vellore.
4. The Public Prosecutor,
High Court of Madras.



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SUNDER MOHAN., J.

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