



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.06.2025

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THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.16568 of 2025

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... Petitioner

Vs.

State represented by,
The Inspector of Police,
Prohibition and Excise Wing (PEW),
Mayiladuthurai.
(Crime No.301 of 2023)

... Respondent

PRAYER : Criminal Original Petition has been filed under Section 482 of BNSS to enlarge the petitioner on anticipatory bail in the event of arrest by the respondent in Crime No.301 of 2023 on the file of the respondent.

For Petitioner : Mr.T.Balaji

For Respondent : Mr.R.Vinothraja
Government Advocate (Criminal Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 4(1)(aaa) and 4(1-A) of the Tamil Nadu Prohibition Act, in Crime No.301 of 2023 on the file of the respondent, seeks anticipatory bail.



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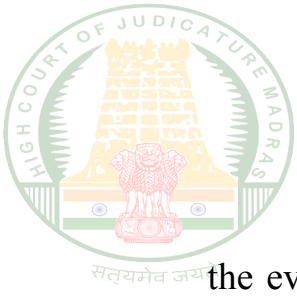
2. The case of the prosecution is that the accused were found to be in illegal possession of 264 litres of illicit arrack. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case. He further submitted that initially the petitioner was granted with an anticipatory bail by this Court in Crl.O.P.No.10358 of 2023 dated 05.05.2023, however, due to his health ailments, he was unable to comply with the condition. Hence, he prayed for grant of anticipatory bail to the petitioner.

4. Learned Government Advocate (Criminal Side) appearing for the respondent police reiterated the prosecution case and opposed for grant of anticipatory bail to the petitioner. He further submitted that though the petitioner was granted with anticipatory bail, he failed to comply with the same and this is his second anticipatory bail application.

5. Heard both sides and perused the materials available on record.

6. Considering the above facts and circumstances of the case and also taking note of the nature of allegation, this Court finds that the custodial interrogation of the petitioner is not required in this case, therefore, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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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 made ready, before the learned **Judicial Magistrate No.I, Mayiladuthurai**, 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 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 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., for a period of three weeks and thereafter, as and when required for interrogation;

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

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



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G.K.ILANTHIRAIYAN, J.

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

23.06.2025

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To

1. The Judicial Magistrate No.I,
Mayiladuthurai.
2. The Inspector of Police,
Prohibition and Excise Wing (PEW),
Mayiladuthurai.
3. The Public Prosecutor,
High Court, Madras.

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