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Crl.O.P.No.16245 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.06.2025

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THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.16245 of 2025

G.Anbu

... Petitioner

Vs.

State rep. by
The Inspector of Police
D-3, Palur Police Station
Chengalpattu District
Crime No. 81 of 2025

... Respondent

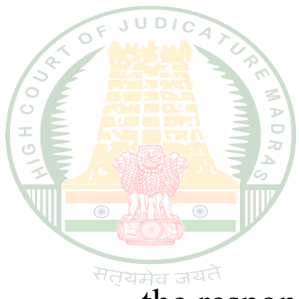
PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in the event of his arrest by the respondent police in Crime No.81 of 2025 pending investigation on the file of the respondent police.

For Petitioner : Mr.Mahendran.M

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

ORDER

The petitioner, apprehends arrest for the alleged offences under Sections 4(1)(A) of the Tamil Nadu Prohibition (Amendment) Act, 2024 and Sec.4 (1)(i) of Tamil Nadu Prohibition Act, in Crime No.81 of 2025, on the file of



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the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner/A2 along with A1 were jointly selling 10 McLane Brandi Bottles of alcohol each containing 180 and cash of Rs.1000/- was seized from A1. Hence, the complaint.

3. The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution. He further submits that as per Tamil Nadu Liquor (Possession for Personal Consumption) Rules, 1996, a person is entitled to have 4.5 litres of liquor in his possession. In this case, as per the prosecution case, A1 was having only 10 Brandy bottles each containing 180 ml which amounts to 1800 litres which is within the permissible limit. However, on instructions, the learned counsel further submits that the petitioner is ready and willing to abide by any conditions that may be imposed by this Court and hence, he prays to grant anticipatory bail to the petitioner.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police reiterated the prosecution case and submitted that there are



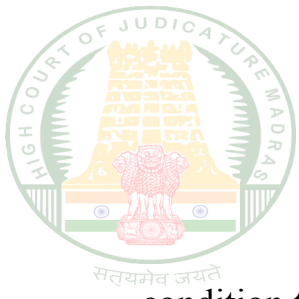
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seven previous cases are pending against the petitioner. Hence, he opposed for grant of anticipatory bail to the petitioner.

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

6. Taking note of the facts and circumstances of the case, nature of allegations, submissions made by the learned counsels on either side and as per Tamil Nadu Liquor (Possession for Personal Consumption) Rules, 1996, a person is entitled to possess 4.5 litres of IMFL, in this case, the petitioner along with A1 found in possession of 1.8 litres, this Court is inclined to grant anticipatory bail to the petitioner with certain 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 (15) days from the date of receipt of a copy of this order, before the *learned Judicial Magistrate-I, Chengalpattu*, 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 and on further



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condition that:

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[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 10.30 a.m for a period of two weeks and thereafter, as and when required for further interrogation;

[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 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.

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Note :

1. Registry is directed to forthwith upload this order in the Official Website of this Court.
2. All concerned to act on this order being uploaded in Official Website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in the official website of this Court will be watermarked and will also have a QR code.

To

1. The Judicial Magistrate No.I,
Chengalpattu
2. The Inspector of Police
D-3, Palur Police Station
Chengalpattu District
3. The Public Prosecutor,
High Court of Madras.



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M.NIRMAL KUMAR, J.

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