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Crl.O.P.No.26349 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-09-2025

CORAM

THE HONOURABLE MR JUSTICE K. RAJASEKAR

CRL OP NO.26349 of 2025

Zakir Hussain

... Petitioner

Vs

The State rep. by,
The Sub Inspector of Police,
Pernambut Police Station,
Vellore District
(Crime No.267 of 2025)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to grant bail to the petitioner/accused in
Crime No.267 of 2025 on the file of the respondent police.

For Petitioner(s) : Mr.A. Vijaya Kumar

For Respondent(s) : Mr. A. Gopinath
Government Advocate (Crl. Side)



ORDER

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The petitioner, who was arrested and remanded to judicial custody on 11.09.2025, for the offence under Sections 7(5), 20(2) of Cigarette and Other Tobacco Products Act, 2003 and 274, 275, 123 of BNS Act 2023 in Crime No.267 of 2025, registered on the file of the respondent police, seeks bail.

2. The case of the prosecution is that based on a secret information, the respondent police went to the spot and found that the petitioner was in possession of 9.11 kilo grams of banned tobacco products. Hence a case was registered by the respondent police.

3.The 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 the petitioner is ready to abide by any conditions that may be imposed by this Court and sought for bail to the petitioner.

4.The learned Government Advocate (Criminal Side) appearing for the respondent while opposing the bail to the petitioner, reiterated the



prosecution case and submitted that there is no previous case pending against the petitioner.

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5.Considering the facts and circumstances of the case, the period of incarceration undergone by the Petitioner and the fact that there is no previous case pending against the petitioner, this Court is inclined to grant bail to the petitioner herein with certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail on their 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 Judicial Magistrate Court, Gudiyatham, Vellore District and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure their identity;

[b] the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of three weeks and thereafter, as and when required for interrogation.



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[c] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned 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)13 SCC 283]**;

[d] If the accused thereafter abscond, a fresh FIR can be registered under Section 269 of B.N.S.

24.09.2025

smn

To

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



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K. RAJASEKAR, J.

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