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Crl.O.P.No.29601 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2025

CORAM

THE HONOURABLE MR. JUSTICE K.RAJASEKAR

Crl.O.P.No.29601 of 2025

1. Sadhq Basha
2. Mohamadhu Iyas Usen ... Petitioners

Vs.

The State of Tamil Nadu
Rep., by The Inspector of Police,
Sathuvachari Police Station,
Vellore District.
(Crime No.239/2025) ... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the Petitioners on bail pending
investigation in Crime No.239 of 2025 pending on the file of the respondent.

For Petitioners : Mr.M.R.Thangavel
For Respondent : Mr.A.Gopinath
Government Advocate (Crl.Side)

ORDER

The petitioners, who were arrested and remanded to judicial
custody on 24.09.2025, for the offence punishable under Sections 7(5), 20(2)



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of Cigarette and Other Tobacco Products Act, 2003 and Section 124 of BNS, 2023 registered in Cr.No.239 of 2025 on the file of the respondent, seek bail.

2. The allegation against the petitioners is that the petitioners were found in possession of 150 kgs of prohibited tobacco products to the tune of Rs.60,000/-. Hence, the present case.

3. The learned counsel appearing for the petitioners submitted that petitioners have been falsely implicated in this case and they are in custody from 24.09.2025. Hence, he prayed for grant of bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police reiterated the prosecution case and submitted that investigation is pending and the petitioners hail from the State of Andhra Pradesh and if the petitioners enlarged on bail, there is every possibility of absconding. Hence, he opposed for grant of bail to the petitioners.

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

5. Considering the fact that investigation is pending and the period of incarceration and no bad antecedents reported against the petitioners this Court is inclined to grant bail to the petitioners with certain conditions:



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days, he shall comply to the directions as may be given by the Court in this regard;

[f] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioners in accordance with law as if the aforementioned conditions have been imposed and the petitioners 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]**;

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

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Vv

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.



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To

1.The Judicial Magistrate-V,
Vellore.

2.The Inspector of Police,
Sathuvachari Police Station,
Vellore District.

3.The Vellore Central Prison,
Thorapadi.

4.The Public Prosecutor,
High Court of Madras.



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K.RAJASEKAR, J

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