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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.12.2025

CORAM

THE HON'BLE MR. JUSTICE **P.DHANABAL**

Crl.O.P.No.35936 of 2025

Ashok Kumar

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Kaveripakkam Police Station,
Ranipet District.
(Crime No. 381 of 2025).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
2023 to enlarge the petitioner on bail in Crime No. 381 of 2025 on the file of
the respondent police.

For Petitioner : Mr.D.Thirumoorthy

For Respondent : Mr.S.Vinothkumar
Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on
13.11.2025 for the alleged offence punishable under Sections 7(5) and 20(2)
of COTPA Act, 2003 and 123 of BNS Act, 2023 (328 of IPC), in Crime No.
381 of 2025, on the file of the respondent police, seeks bail.



2. The case of the prosecution is that the petitioner along with other accused, illegally transported banned Tobacco Products namely Ganesh 701 Tobacco, Cool Lip, Vimal Pan Masala and VI Tobacco, weighing a total of 420 kgs, for sale, which were seized by the respondent police. Hence, the complaint.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and has been falsely implicated in this case and he has not committed any offence as alleged in the FIR. He would further submit that the petitioner was arrested and is in judicial custody from 13.11.2025. Hence, he prayed bail for the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and submitted that, petitioner along with other accused illegally transported 420 kgs of banned Tobacco Products, worth about Rs.4,200/-. He further submitted that the petitioner has no previous case pending against him. Hence, he opposed to grant bail to the petitioner.



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5. Heard both sides and perused the materials available on record including the First Information Report.

6. Considering the rival submissions made on either side, the nature of the offence, and the petitioner has no previous case pending against him and also considering the period of his incarceration, this Court is inclined to grant bail to the petitioner, subject to certain conditions.

[a] Accordingly, the petitioner is ordered to be released on bail on his executing 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 District Munsif cum Judicial Magistrate- I, Walajah, and on further conditions that:-

[b] the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of 30 days.

[c] the petitioner shall not commit any offence similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected;

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



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[e] the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence;

[f] On breach of any of the aforesaid conditions, the learned Judicial 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 BNS.

30.12.2025

drl/dsn

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 District Munsif cum Judicial Magistrate- I,
Walajah.

2.The Inspector of Police,
Kaveripakkam Police Station,
Ranipet District.

3.The Superintendent,
Central Jail, Vellore.

4.The Public Prosecutor,
High Court of Madras.



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P.DHANABAL, J.

drl

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