



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/03/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.5439 of 2025

Ghouse Sherif

... Petitioner/Sole Accused

Vs

The State of Tamilnadu,
Rep by the Inspector of Police,
Thanjavur East Police Station,
Thanjavur District.
Crime No.54 of 2025

... Respondent/Complainant

For Petitioner : Mr.A.Arun Prasad,
Advocate

For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Crl.Side)

PRAYER :-

For Bail in Crime No.54 of 2025 on the file of the Respondent-Police.

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 20.03.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.

2. The petitioner/ Sole Accused was arrested and remanded to judicial custody on 27.02.2025 for the offences punishable under Section 24(1) of Cigarette



and other Tobacco Products Act, 2003 r/w Section 77 of Juvenile Justice (Care and Protection of Children) Act, 2015 in Crime No.54 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 27.02.2025, based on secret information, the respondent-Police were conducting an inspection at the shop of the petitioner. At that point of time, the police noticed that the petitioner was in illegal possession of banned tobacco products i.e., Hans-3 kgs, Coolip-1/2 kgs, Vimal-2.626 kgs, totally weighing 6.026 kgs, worth about Rs.6,440/-. Thereafter, the police arrested the petitioner and seized the prohibited tobacco products. Hence, the complaint.

4. Mr.A.Arun Prasad, learned counsel appearing for the petitioner, submits that the petitioner has nothing to do with the alleged offence and that a false case has been foisted against the petitioner. He however submits that he is ready to abide by any conditions that may be imposed by this Court. He further submits that the petitioner has been in incarceration since 27.02.2025. Therefore, he prays for granting bail to the petitioner.

5. *Per contra*, Mr.K.Sanjai Gandhi, learned Government Advocate (Criminal Side) appearing for the respondent-Police, submits that the petitioner was found in possession of 6.026 kgs of banned tobacco products in his grocery shop. He further submits that there are five previous cases against the petitioner and all are similar in nature. He further submits that if bail is granted to the petitioner, he may



commit similar offence and thereby, endanger the health of the general public.

Therefore, he vehemently opposes to grant bail to the petitioner.

6. Heard on both side. This Court has perused the records.

7. In view of the fact that the petitioner has five previous cases, which are similar in nature, this Court is of the opinion that if bail is granted to the petitioner, he may commit the similar offence again and thereby, endanger the health of the general public. Therefore, this Court is not inclined to grant bail to the petitioner.

8. Accordingly, the Criminal Original Petition stands dismissed.

Sd/-

24.03.2025

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/04/2025

Sub Assistant Registrar

(CS - I/II/III/IV)

Madurai Bench of Madras High Court,
Madurai

TSG

TO

1.The Inspector of Police,
Thanjavur East Police Station,
Thanjavur District.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER IN

CRL OP(MD) No.5439 of 2025

Date :24/03/2025

RS(15/04/2025) 3P/ 3C

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