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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25.03.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.5514 of 2025

1.Periyagurusamy
2.Gurusamy

... Petitioners/ Accused Nos.1 & 2

Vs

The State of Tamilnadu,
Rep.By the Inspector of Police,
Kovilpatti West Police Station,
Thoothukudi District.
Crime No.163 of 2025

... Respondent/Complainant

For Petitioners : Mr.M.Prabhu

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

PETITION FOR BAIL Under Sec.483 of BNSS, 2023

PRAYER :-

For bail in Crime No.163 of 2025 on the file of the respondent-police.



W I ORDER: The Court made the following order :-

This Criminal Original Petition has been filed by the petitioners on 21.03.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.

2. The petitioners were arrested and remanded to judicial custody on 10.03.2025 for the alleged offences punishable under Section 24(1) of the Cigarettes and Other Tobacco Products Act, 2003 and Section 125 of Bharatiya Nyaya Sanhita (BNS), 2023, in Crime No.163 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 10.03.2025, at about 17.30 hours, the defacto complainant consumed Ganesh Tobacco sold by the petitioners and since he experienced dizziness, he was admitted in the Hospital for treatment. Based on his complaint, the Police conducted raid near Rajiv Gandhi Nagar 6th street and found the petitioners standing there near a two wheeler along with white bag containing, 45 bundles of Ganesh Tobacco, each bundle containing 15 packets. The respondent-Police further seized 5775 packets of Ganesh Tobacco, 2910 pockets of Bullet Rani Tobacco and 2100 packets of Vimal Pan Masala and 320 packets of Cool Lip Tobacco

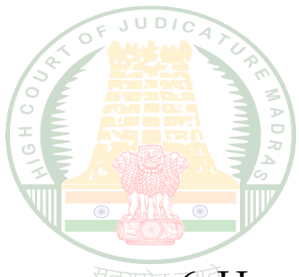


in a house at Rajiv Gandhi Nagar 6th street. Hence the case.

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4. Mr.M.Prabhu, the learned counsel appearing for the petitioners submits that the petitioners did not commit any offence as alleged by the prosecution and that a false case has been foisted against them. He further submitted that the petitioners are in judicial custody since 10.03.2025. He however submits that the petitioners are ready to abide by any condition to be imposed by this Court. He therefore prays to grant bail to the petitioners.

5. Mr.K.Sanjai Gandhi, learned Government Advocate (Crl. Side) appearing for the respondent-police, submits that the petitioners are brothers. He further submits that the petitioners purchased Tobacco products from other State and are selling the same in Kovilpatti. He further submits that the respondent-Police arrested the petitioners and seized 11,760 packets of banned tobacco products. He also submits that the investigation is in nascent stage. He further submits that the first petitioner has no previous case and the second petitioner has two previous cases, out of which, one is similar in nature. Accordingly, he prays to dismiss this Criminal Original Petition.



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

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7. Investigation is in nascent stage. The second petitioner has two previous cases, out of which, one is similar in nature. In view of the same and in view of the huge quantity of banned tobacco products seized from the petitioners, if bail is granted to the petitioners, the petitioners may commit similar type of offence and thereby cause injury to public health. Hence, this Court is not inclined to grant bail to the petitioners. Accordingly, this Criminal Original Petition is dismissed.

sd/-
25/03/2025

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/04/2025
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

MBI

TO

1 THE INSPECTOR OF POLICE,
KOVILPATTI WEST POLICE STATION,
THOOTHUKUDI DISTRICT.

2 THE OFFICER INCHARGE,
SUB-JAIL, KOVILPATTI, THOOTHUKUDI DISTRICT.

3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



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5



ORDER
IN
CRL OP(MD) No.5514 of 2025
Date :25/03/2025

SS/SAR- /15/04/2025/ 5P/4C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023