



Crl.O.P.No.4338 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.02.2026

CORAM

THE HONOURABLE MR. JUSTICE K.RAJASEKAR

Crl.O.P.No.4338 of 2026

Kaleem @ Mohammed Kaleem

... Petitioner

Vs.

The State Rep. By,
The Inspector of Police,
Pernampet Police Station,
Vellore District.
Crime No.325 of 2025

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on anticipatory bail in the event of his arrest in Crime No.325 of 2025 on the file of the respondent police.

For Petitioner : Mr.D.Thirumoorthy

For Respondent : Ms.J.R.Archana
Government Advocate (Crl. Side)



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ORDER

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The petitioner herein apprehend arrest at the hands of the respondent police for the offences punishable under Sections 7(5) and 20(2) of Cigarette and other Tobacco Products Act, 2003 { COTPA Act} and Sections 274, 275 and 123 of BNS Act, 2023 in Crime No.325 of 2025, on the file of the respondent Police, seeks anticipatory bail.

2. The case of the prosecution is that while A1 in this case as per the demand made by the petitioner herein had transported 66 kgs of banned tobacco products in a car which belongs to him and the vehicles was intercepted by the police and the same was recovered and on the basis of the statement recorded from A1, petitioner herein has been implicated as an accused.

3. It is seen that, earlier this Court dismissed the petitioner's anticipatory bail petition on the following ground:

Considering the huge quantity of the contraband recovered from the petitioner, this Court is not inclined to grant bail to the petitioner



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4. The learned counsel for the petitioner submitted that the petitioner is a milk vendor and he was not known to A1 in this case and purely on suspicion, he was arrested, and based on confession, he is arrayed as accused.

5. The learned Government Advocate (Crl. Side) reiterated the prosecution case and submitted that the petitioner is a main accused and only on his request, A1 went to Bangalore and brought the tobacco products and the investigation in this case is pending.

6. Considering the nature of allegations and the fact that the occurrence was taken place as early as October 2025 and the petitioner is not having any previous case and the contraband has been recovered, this Court is inclined to grant anticipatory bail to the petitioner.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on their appearance, within a period of ten days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate, Gudiyatham** on condition that the petitioner shall execute a bond for a sum of **Rs.20,000/- (Rupees Twenty Thousand Only)** with two **sureties** each for a like sum to the satisfaction of the learned Magistrate



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concerned, and on further condition that:

[a] if the petitioner fails to surrender before the concerned Magistrate within a period of ten days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

[b] 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;

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

[d] 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]**;



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

20.02.2026

sma

To

1. Judicial Magistrate, Gudiyatham

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

3.The Public Prosecutor,
High Court of Madras.



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K.RAJASEKAR, J.

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