



WEB COPY

CRL OP No. 4304 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-02-2026

CORAM

THE HON'BLE MR.JUSTICE K.RAJASEKAR

CRL OP No. 4304 of 2026

1. Durgeshkumar
2. Gopal Singh

..Petitioner(s)

Vs

State by.
Inspector of Police,
Nemili Police Station,
Ranipet District.
Crime No.496 of 2025

..Respondent(s)

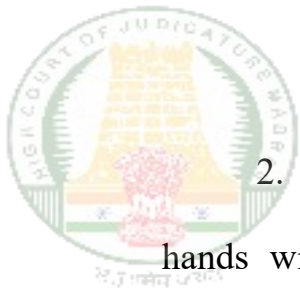
Prayer: This Criminal Original Petition is filed under Section 483 of BNSS to enlarge the petitioner on bail as against the case pending on the file of the respondent police in Crime No.496 of 2025.

For Petitioner(s): M/S.D.Thirumoorthy

For Respondent(s): Dr.C.E.Pratap, GA (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 20.12.2025, for the offences punishable under Sections 7(5) and 20(2) of Cigarette and Other Tobacco Products Act, 2003 (COTPA) and Section 123 of BNS Act 2023 (328 of IPC) on the file of the respondent police, seeks bail.



2. The allegation against the petitioners is that the petitioners joined hands with other accused in transportation and possession of 490 banned tobacco products from Chennai to Sriperumpudur and on the way, the vehicle was intercepted by the police party and the banned tobacco products were seized and the petitioners have been arrested on 20.12.2025. Hence, the case.

3. Earlier this Court vide order dated 28.01.2026, in CrI.O.P.No.1797 of 2026, had dismissed the bail petition filed by the petitioners with the following observations.

“5. Considering the fact that investigation is pending; the petitioners were arrested and the FIR has been registered recently, and the petitioners are not having any previous cases, this Court is not inclined to grant bail to the petitioners.

6. Accordingly, this Criminal Original Petition shall stands dismissed”

4. The learned counsel for the petitioners submit that the petitioners are innocent, and they have been falsely implicated in this case by the respondent police. He further submitted that the petitioners are ready to abide by any conditions imposed by this Court. Hence, he prayed for grant of bail to the petitioners.



5. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that investigation in this case was completed and final report is yet to be filed. He further submitted that the petitioners have no previous case pending against them and opposed for grant of bail to the petitioners.

6. Considering the fact that the final report is yet to be filed and the period of incarceration undergone by the petitioners and other aspects of this case, I am inclined to grant bail to the petitioners subject to certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties, for a like sum to the satisfaction of the learned **Judicial Magistrate-II, Arakkonam** and on further conditions that:

[a] 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;

[b] the petitioner shall appear before the Trial Court on all working days at 10.30 a.m., for a period of three weeks



and thereafter the dates fixed by learned Trial Judge;

[c] 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]**;

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

20-02-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

gbi

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.

To

1. The Inspector of Police,
Nemili Police Station,
Ranipet District.
2. The Judicial Magistrate-II, Arakkonam.
3. The Central Jail, Vellore.
4. The Public Prosecutor,
High Court of Madras



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K.RAJASEKAR, J.

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