



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-03-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 5392 of 2026

S. Siva

..Petitioner

Vs

State of Tamil Nadu,
Rep. by the Inspector of Police,
Cheyyur Police Station,
Chengalpattu District.
(Cr.No.22 of 2026)

..Respondent

PRAYER : Criminal Original Petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, Act, 2023, to enlarge the petitioner on bail in the event of his arrest in Crime No. 22 of 2026 on the file of the Inspector of Police, Cheyyur Police Station, Chengalpattu District.

For Petitioner:

Mr.Rajadurai

For Respondent:

Mr.P.Dhileepan
Government Advocate (Crl.Side)

ORDER

The petitioner apprehends arrest for the alleged offence under Sections 4(1)(a) and 4(1)(i) of Tamilnadu Prohibition Act, 4(1)(C) & 4(1)(A) of the Tamil Nadu Prohibition (Amendment) Act, 2024 in Crime No.22 of 2026 on the file of the respondent police seeks anticipatory bail.



2. The case of the prosecution is that on receipt of secret information, the respondent police conducted a search at Visiyaal Place, Cheyyur Sengattu Village at about 11.00 a.m., where the petitioner and two other persons were allegedly present. One woman was apprehended with nine bottles of liquor, each containing 180 ml, totally 1 litre and 620 ml and she allegedly confessed that the liquor had been supplied by the petitioner for the purpose of sale; hence the case.

3. The learned counsel appearing for the petitioner submitted that though the case arises under the Tamil Nadu Prohibition Act, no recovery was made from the petitioner. He would further submit that the petitioner has been falsely implicated only on the basis of the alleged confession of the said woman. It is also submitted that there is no previous case pending against the petitioner and he is not a habitual offender. Therefore, he prayed to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that at the time of search, the petitioner fled from the scene of occurrence. He would further submit that the offence under the Prohibition Act is serious in nature. Hence, he opposed to grant anticipatory bail to the petitioner.



5. Considering the facts and circumstances of the case and also taking note of the submissions made by the learned counsel on both sides that no recovery was made from the petitioner and his implication is mainly based on the alleged confession of the co-accused and it is also not in dispute that there is no previous case pending against him, this Court is inclined to grant anticipatory bail to the petitioner, subject to certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days from the date on which the order copy is made ready, before the **learned District Munsif -Cum Judicial Magistrate, Chengalpattu District**, 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 concerned, and on further conditions:

(a) If the petitioner fails to surrender before the concerned learned Magistrate within a period of fifteen (15) 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 identify proofs to ensure their identity;



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(c) The petitioner shall report before the respondent Police, everyday at 10.30 a.m., for a period of three weeks and thereafter, as and when required for interrogation;

(d) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate actions against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on anticipatory bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in *P.K.Shaji v. State of Kerala [(2005) AIR SCW 5560]*;

(e) If the petitioner thereafter absconds, a fresh FIR can be registered under Section 269 of BNS Act.

03-03-2026

NSL

To

1. The District Munsif -Cum Judicial Magistrate,
Chengalpattu District.
2. The Inspector of Police,
Cheyyur Police Station,
Chengalpattu District.
3. The Public Prosecutor,
High Court of Madras.



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C.KUMARAPPAN, J.

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