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CRL OP No. 4922 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-03-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 4922 of 2026

1. P. Pawandevasad
S/o Premadas,
Surpaliya, Nagaur,
Deh, Rajasthan
2. R. Sahil Kheria
S/o Ranjith Kheria,
Pabhoi T E, Pabhoi,
Biswanath,
Assam

..Petitioner(s)

Vs

The State represented by:

Inspector of Police
Deevattipatty Police Station,
Salem District.
[Cr. No.64 of 2026]

..Respondent(s)

PRAYER: This Criminal Original Petition has been filed under Section 483 of B.N.S.S. praying to enlarge the Petitioners on bail in Crime No.64 of 2026, on the file of the Respondent Police.

For Petitioner(s):

W. Camyles Gandhi

For Respondent(s):

Mr. S. Vinoth Kumar,
Government Advocate (Criminal side).

ORDER

The petitioners, who were arrested and remanded to judicial custody on



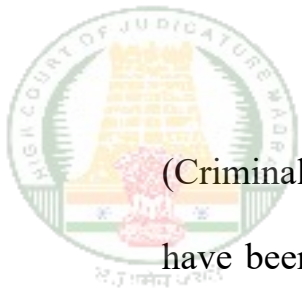
14.02.2026 for the alleged offences under Sections 7, 20(2) of COTPA Act, 2003 read with Sections 275 and 123 of B.N.S. in Crime No.64 of 2026 on the file of the respondent police, seeks bail.

2. The *case of the prosecution* is that during the routine vehicle check up made by the respondent police near Thoppur Check Post, the accused were found to be illegally transported 282 kgs of banned Tobacco products worth about Rs.1,66,500/- in a Car bearing Registration No.TN25-R-4786. Hence the case.

3. The learned counsel appearing for the petitioner would submit that the petitioners are innocent persons, that they are only workers and drove the car and that they have not committed any offence as alleged by the prosecution. He would further submit that the they are ready to furnish sufficient sureties as directed by this Court and hence prays to enlarge the petitioners on bail.

4. The learned Government Advocate (Criminal side) appearing for the respondent police reiterated the prosecution case and though the learned Government Advocate objected to enlarge the petitioners on bail, he fairly submitted that there are no previous cases pending against the petitioners.

5. From the submissions made by the learned Government Advocate



(Criminal side), it came to light that during the vehicle check up, these accused have been caught hold and the banned Tobacco products have been recovered and there are no previous cases pending against the petitioners.

6. In such view of the position, taking into consideration the date of registration of FIR and the period of incarceration of the petitioners from 14.02.2026, this Court is of the view that no more custodial interrogation of the petitioners is required. Hence, this Court is inclined to grant bail to the petitioners, subject to the following stringent conditions:

7. Accordingly, the petitioners are ordered to be released on bail on each of them executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties each, for a like sum to the satisfaction of the learned **Judicial Magistrate, Omalur** 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 petitioners shall report before the respondent police daily at 10.30 a.m. for a period of one month and thereafter as and when required for interrogation;**



[c] the petitioners shall not abscond either during investigation or trial;

[d] the petitioners shall not tamper with the evidence or witness either during investigation or trial;

[e] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioners in accordance with law as if the aforementioned conditions have been imposed and the petitioners 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]:

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

06-03-2026

MJS

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.



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To

1. The Judicial Magistrate, Omalur.
2. The Inspector of Police, Deevattipatty Police Station, Salem District
3. The Superintendent of Police, Central Prison, Salem.
4. The Public Prosecutor, High Court of Madras.



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C.KUMARAPPAN, J.

MJS

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