



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-03-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 6973 of 2026

Mahalingam

..Petitioner

Vs

The State rep. by,
The Inspector of Police,
Karuppur Police Station,
Salem City, Salem.
Crime No.44/2026

..Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in respect of Cr.No.44 of 2026 on the file of respondent/police.

For Petitioner:

Mr.N.U.Pressanna

For Respondent:

Mr.S.Vinoth Kumar,
Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 23.02.2026 for the alleged offences under Sections 4(1)(a), 4(1-A), 4(1)(c) of Tamilnadu Prohibition Act, in Crime No.44 of 2026 on the file of the respondent police, seeks bail.



2. The case of the prosecution is that the Special Sub-Inspector of Police, Prohibition Enforcement Wing, Salem City, along with police team conducted surveillance in Pudhu Colony and found the petitioner in possession of 170 bottles of 180 ml liquor. On enquiry, it is alleged that the petitioner was selling TASMAL liquor at higher price and had mixed Datura (Oomathai) leaf juice. Hence, the case was registered.

3. The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged and has been falsely implicated. It is submitted that she is an agricultural labourer and not involved in any illegal liquor trade. It is also submitted that the petitioner has been in custody for a long period and no further custodial interrogation is required. The learned counsel would further contend that he will cooperate with the investigation and will not abscond. Hence, he prayed for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent submitted that this is a case of possession of liquor and about 71 bottles of 180 ml liquor were seized. It is further submitted that the petitioner has one previous case under Section 323 of Indian Penal Code, 1860. It is also submitted that the offence is serious in nature. Hence, he opposed for grant of bail to the petitioner.



5. I have given anxious consideration to the submissions made by the learned counsel on either side.

6. Considering submission of the learned counsel on either side, this Court is of the view that, this is a case relating to possession of liquor. While looking at the incarceration, he has been in incarceration since 23.02.2024. Taking into consideration of the gravity of the charge and the period of incarceration, this Court is inclined to grant bail to the petitioner on bail, subject to certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.25,000/- (Rupees Twenty-Five Thousand only), with two sureties for a like sum each to the satisfaction of the **learned Judicial Magistrate No.II, Salem**, and subject to the following conditions:

[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 report before the respondent police twice a day at 10.30 a.m. and 05.30 p.m. until further orders.



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

[d] the petitioner 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 take appropriate action against the petitioners in accordance with law as if the conditions had been imposed and the petitioners released on bail by the learned Magistrate/Trial Court itself, as laid down by the Hon'ble Supreme Court in *P.K.Shaji vs. State of Kerala [(2005)13 SCC 283]*;

[f] if the petitioner thereafter abscond, a fresh FIR may be registered under Section 269 of the Bharatiya Nyaya Sanhita, 2023.

8. It is made clear that no petition seeking relaxation of the above conditions shall be entertained within a period of sixty (60) days from the date of release of the petitioner.

18-03-2026

NSL

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 Judicial Magistrate-II, Salem.
2. Central Prison, Salem.
3. The Inspector of Police, Karuppur Police Station, Salem City, Salem.
4. The Public Prosecutor, High Court of Madras.



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C.KUMARAPPAN, J.

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