



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14-05-2026

CORAM

THE HON'BLE MR.JUSTICE P. DHANABAL

CRL OP No. 12538 of 2026

Mohamed Saribu

..Petitioner(s)

Vs

State Rep. by Inspector of Police
Bazaar Police Station,
Coimbatore City.
Crime No. 79 of 2026.

..Respondent(s)

To enlarge the Petitioner / Accused No. 1 on bail in Crime No. 79 of 2026 pending investigation on the file of the Respondent Police and thus render justice.

For Petitioner(s): Mr.N.Sarbutheen

For Respondent(s): Mr.V.J.Priyadarsana
Government Advocate (Crl.side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 14.03.2026 for the offences punishable under Sections 6(a) and 24(1) of the Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 and Section 123 of the Bharatiya Nyaya Sanhita (BNS), 2023 in Crime. No. 79 of 2026 on the file of the respondent police, seeks bail.



2. The case of the prosecution is that there are totally two accused and the petitioner is ranked as 1st accused. The petitioner was found with illegal possession of 1.108 kgs of banned tobacco products supplied by the 2nd accused, a petty shop owner, on commission basis. Police seized 55.138 kg from 2nd accused's shop, totalling 56.246 kg in the case. Hence, the case.

3. The learned counsel for the petitioner would contend that the petitioner is under judicial custody since 14.03.2026. He further submitted that he had gone to the shop only to buy cigarettes. He has no other previous cases pending against him. He further submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Therefore, he prayed to grant bail to the petitioner.

4. The learned Government Advocate (Criminal Side) reiterated the prosecution case and submitted that the petitioner is arrayed as 1st accused. Based on the confession of the petitioner, 2nd accused was roped in this case. The contraband was seized from the petitioner and the co-accused. There are no previous cases as against the petitioner. However, he vehemently opposed the grant of bail to the petitioner.

5. Heard both sides and perused the materials available on record.



6. Considering the rivals submissions made on both sides and nature of offences charged against the petitioner, and also the fact that there are no previous cases pending against the petitioner, and that quantity recovered from this petitioner, and also taking into consideration the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner, subject to the following conditions:

[a] Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned **Judicial Magistrate No.V, Coimbatore** and on further conditions that:

[b] the petitioner shall report before the respondent police everyday at 10.30 a.m. for a period of 30 days;

[c] the petitioner shall not commit any offence similar to the offence of which she is accused, or suspected, or of the commission of which she is suspected;

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



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[e] the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade her from disclosing such facts to the Court or to any police officer or tamper with the evidence;

[f] On breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the 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)AIR SCW 5560].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.2023.

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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

GD

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

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1. The Judicial Magistrate No.V, Coimbatore.
2. Inspector of Police
Bazaar Police Station,
Coimbatore City.
3. The Superintendent
Sub-Jail, Coimbatore
4. The Public Prosecutor,
Madras High Court.



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P.DHANABAL, J.

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