

CRL OP No. 13328 of 2026

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-05-2026

CORAM

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL OP NO. 13328 OF 2026

- 1.Usman Miya,
S/o.Ayub Miya,
No.1/66, Permasivan Palayam,
Pongupalayam,
Tiruppur – 641 654.
- 2.Raheem,
S/o.Mohamed Akhlet,
Pattatharasiyamman Maika Kadai,
Pachampalayam,
Avinasi, Tiruppur – 641 654.
- 3.Amit,
S/o.Khedan,
Pathardeva,
Dumar Bhar,
Kushinagar,
Uttar Pradesh – 274 304.

..Petitioners /
A1 to A3

Vs

The State rep by,
The Inspector of Police
Perumanallur Police Station,
Tiruppur City.
(Crime No.163 of 2026)

..Respondent/
Complainant



CRL OP No. 13328 of 2026

PRAYER:- Criminal Original Petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant bail to the petitioners in Crime No.163 of 2026 on the file of the respondent-police.

For Petitioners : Mr.A.Saravanan

For Respondent : Mr.L.Baskaran,
Government Advocate (Criminal Side)

ORDER

This Criminal Original Petition has been filed by the petitioners on 18.05.2026 under Section 483 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant bail.

2. The petitioners / A1 to A3 were arrested and remanded to judicial custody on 29.04.2026 for the alleged offences punishable under Section 123 of Bharatiya Nyaya Sanhita, 2023, and Section 20(2) of COTPA Act, in Crime No.163 of 2026 on the file of the respondent-police.

3. The case of the prosecution is that on 29.04.2026 at about 05.00 p.m., based on secret information, the respondent police found the petitioners and the co-accused in illegal possession of 13 kgs of banned



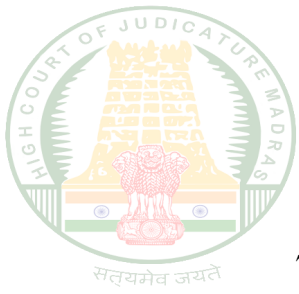
tobacco products. Hence this case.

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4. Mr.A.Saravanan, learned counsel for the petitioner, submits that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He further submits that the petitioners have been in judicial custody since 29.04.2026. He further submits that the petitioners are ready to abide by any stringent conditions that may be imposed by this Court. He therefore prays to grant bail to the petitioners.

5. *Per contra*, Mr.L.Baskaran, learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that the respondent-police seized 13 kgs of banned tobacco products from the Accused persons. The respondent-police, after following the Act and Rules, seized the contraband. He further submits that investigation is in crucial stage and accordingly, he prays for the dismissal of this petition.

6. Heard on both sides. This Court has perused the materials available on record.



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7. Considering the quantity of Narcotic Drugs (Intermediate quantity) involved in this case and also considering the period of incarceration, this Court is of the view that further custody of the petitioners is not necessary in this case. Hence, this Court is inclined to grant bail to the petitioners, subject to the following conditions:

(i) The petitioners shall execute a bond for Rs.25,000/- (Rupees Twenty Five Thousand only) along with two sureties each for a like sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) to the satisfaction of the learned Judicial Magistrate, Avinashi.

(ii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate, Avinashi, shall obtain a copy of any one of their identity proofs to ensure their identity.

(iii) The petitioners shall appear and sign before the respondent-police daily at 10.00 a.m. until further orders.



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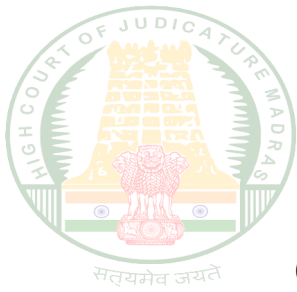
(iv) The petitioners shall furnish his residential address and mobile numbers to the learned Judicial Magistrate, Avinashi.

(v) The petitioners shall attend in accordance with the conditions of the bond to be executed under Chapter XXXV of BNSS, 2023.

(vi) The petitioners shall not commit an offence similar to the offence of which they are accused, or suspected, of the commission of which they are suspected.

(vii) The petitioners 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 them from disclosing such facts to the Court or to any police officer or tamper with the evidence.

(viii) The petitioners shall also not directly or indirectly, cause any threat to the witnesses.



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(ix) The petitioners shall not try to contact the witnesses either directly or through any electronic mode.

(x) On breach of any of the aforementioned conditions, the learned Judicial Magistrate, Avinashi or Trial Court is entitled to pass appropriate orders against the petitioners in accordance with law as if the aforementioned conditions are imposed by them as laid down by the Hon'ble Supreme Court in ***P.K. Shaji vs. State of Kerala*** [(2005) 13 SCC 283].

8. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated *supra*.

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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, Avinashi.
2. The Officer-in-Charge,
Sub-Jail, Avinashi.
3. The Inspector of Police,
Perumanallur Police Station,
Tiruppur City.
4. The Public Prosecutor,
High Court, Madras.



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R.SAKTHIVEL, J.

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