



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-06-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 16445 of 2026

1. Salim Basha
2. Sadiq Basha

..Petitioners

Vs

State, Represented by,
S.H.O. Kalamaruthur P.S.,
Cr.No.136/2026.

..Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to pass order granting bail to the petitioners in Crime No.136/2026 pending on the file of respondent police.

For Petitioners: Mr.T.K.Saravanan

For Respondent: Mr.S.Yogaraja Sekar
Counsel for Government of Tamilnadu
(Criminal Side)

ORDER

The petitioners, who were arrested and remanded to judicial custody on 01.06.2026 for the alleged offences under Sections 123 of the Bharatiya Nyaya Sanhita, 2023, r/w 24(1) of Cigarette and other Tobacco Products Act, 2003 in Crime No.136 of 2026 on the file of the respondent police, seeks bail.



2. The case of the prosecution is that on 01.06.2025, while the respondent police were conducting a vehicle inspection, the petitioners were intercepted in a Toyota Etios car carrying large quantities of banned tobacco products, namely: 558 packets of Hans totaling 8,820 pieces; 30 pouches of 1.9-gram Vimal Pakku, each pouch containing 50 packets, totaling 1,500 pieces and 30 pouches of Vitobah, each pouch containing 50 packets, totaling 1,500 pieces.

3. The learned counsel appearing for the petitioners submitted that the petitioners have been falsely implicated and have not committed the alleged offence. The learned counsel would further submit that the petitioners have been in incarceration since 01.06.2026 and their further custodial interrogation is not required. Hence, he prays to grant bail to the petitioner.

4. The learned Government Advocate (Crl.Side) opposed the bail application by submitting that this is a case involving illegal transportation of banned tobacco products in huge quantity. It is further submitted that the vehicle was found bearing fake registration numbers. Hence, he opposed to grant bail to the petitioner.

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



6. From the submissions of the learned counsel on both sides, this Court is of the view that though this case involves the illegal transportation of banned tobacco products in a large quantity, taking into consideration the period of incarceration undergone by the petitioners since 01.06.2026 and the fact that their further custodial interrogation is not required, this Court is inclined to enlarge the petitioners on bail, subject to certain condition

7. Accordingly, the petitioners are ordered to be released on bail on their executing a separate bond for a sum of Rs.25,000/- (Rupees Twenty-Five Thousand only), with two blood sureties each for a like sum each to the satisfaction of the learned **Judicial Magistrate II, Ulundurpet**, 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 petitioners shall report before the respondent police daily at 10.30 a.m. until further orders;

[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;



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

30-06-2026

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 learned Judicial Magistrate-II, Ulundurpet.
2. Sub Jail, Ulundurpet.
3. The S.H.O. Kalamaruthur Police Station.
4. The Public Prosecutor, High Court of Madras.



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C.KUMARAPPAN, J.

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