



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-06-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 16508 of 2026

1. Mohamad Shafi Ahamad
2. Akbar

..Petitioners

Vs

The State Rep. by,
The Inspector of Police,
Katpadi Police Station,
Vellore District.
Crime No.159 of 2026

..Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners on bail in Crime No.159 of 2026 on the file of the respondent police.

For Petitioners:

Mr.M.Sathish Kumar

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 14.06.2026 for the alleged offences under Sections 7(5), 20(2) of the Cigarettes and Other Tobacco Products Act, 2003 r/w Section 123 of the Bharatiya Nyaya Sanhita, 2023, in Crime No.159 of 2026 on the file of the respondent police, seeks bail.



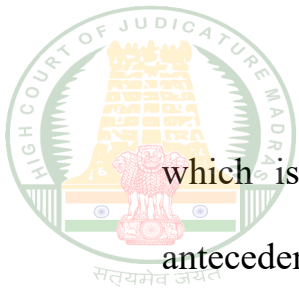
2. The case of the prosecution is that the respondent police found the petitioners in possession of about 2.5 kilograms of banned tobacco products, namely Hans and Cool Lip.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and have been falsely implicated. It is further submitted that the quantity involved is only 2.5 kilograms and the petitioners have been in judicial custody since 14.06.2026. It is further submitted that the petitioners are ready to cooperate with the investigation and abide by any condition imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) opposed the bail application on the ground that the petitioners were found transporting banned tobacco products. However, it is submitted that A1 has no previous case and A2 has one previous case.

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

6. From the submission of the learned counsel on either side, this Court is of the view that this is a case relating to illegal transportation of 2.5 kilograms of banned tobacco products. Taking into consideration the quantity involved,



which is comparatively small, the fact that A1 has no previous criminal antecedents and A2 has only one previous case and considering the period of incarceration since 14.06.2026, this Court is inclined to enlarge the petitioners on bail, subject to certain conditions:

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 sureties each for a like sum each to the satisfaction of the learned **Judicial Magistrate, Katpadi, Vellore District**, 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;

[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



WEB COPY



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 Judicial Magistrate, Katpadi, Vellore District.
2. Central Prison, Vellore, Vellore District.
3. The Inspector of Police, Katpadi Police Station, Vellore District.
4. The Public Prosecutor, High Court of Madras.



WEB COPY

CRL OP No. 16508 of 2



C.KUMARAPPAN, J.

NSL

CRL OP No. 16508 of 2026

30-06-2026