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Crl.OP.No.1383 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2026

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THE HONOURABLE MR JUSTICE K.RAJASEKAR

Crl.O.P.No.1383 of 2026

V.Prem

... Petitioner

Vs.

State by the
Inspector of Police,
Hosur, Krishnagiri District.

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, to enlarge the petitioner on bail, in the event of his arrest or on his appearance before any court in connection with the case in Cr.No.480 of 2025 pending investigation on the file of the respondent police.

For Petitioner : Mr.N.Manokaran

For Respondent : Ms.J.R.Archana
Government Advocate (Crl. Side)

ORDER

The petitioner, who apprehends arrest for the alleged offence under Sections 123 and 275 BNS, 2023 and Section 24(1) of Cigarette and Other Tobacco Products Act, 2003 in Cr.No.480 of 2025 on the file of the respondent police, seeks anticipatory bail.

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2. The allegation against the petitioner is that the petitioner joining hands with other accused were involved in illegal transportation of 105kgs of banned tobacco products from Karnataka to Tamilnadu in a bus. The further allegation against the petitioner is that the bus was intercepted by the respondent police and on enquiry, they came to know that the petitioner herein is one of the accused, who direct A1 to procure the contraband. Hence, the case has been lodged for taking action against the petitioner.

3. The learned counsel appearing for the petitioner submitted that the petitioner is the owner of the vehicle and he has been falsely implicated in this case. The petitioner is not having no previous case and the contraband was seized. He further submitted that the petitioner is ready to cooperate for the investigation. Hence, he prayed for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side), appearing for the respondent police, reiterated the prosecution case and submitted that the petitioner herein ranked as A2, he is not having any previous case, the investigation is pending and the contraband was seized. Hence, he vehemently opposed the grant of anticipatory bail.

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



6. Considering the nature of allegations, quantity of contraband involved in this case, the fact that though the investigation is pending and no previous cases reported as against the petitioner and contraband already seized, I am inclined to grant anticipatory bail to the petitioner, subject to certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance within a period of fifteen (15) days from the date on which the order copy made, before the learned ***Judicial Magistrate-II, Hosur*** on condition that the petitioner shall execute a bond for a sum of **Rs.20,000/- (Rupees Twenty Thousand only)** with two **sureties** each for a like sum to the satisfaction learned Magistrate concerned, and on further condition that:

(a) If the petitioner fails to surrender before the concerned Magistrate within a period of fifteen (15) days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) 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 identify proofs to ensure their identity;



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(c) The petitioner shall report before the respondent police daily at 10.30 a.m., for a period of three weeks and thereafter, as and when required for interrogation;

(d) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate actions against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on anticipatory bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in *P.K.Shaji v. State of Kerala [(2005) AIR SCW 5560]*;

(e) If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS Act.

29.01.2026

Vv

To

1. The Judicial Magistrate-II,
Hosur.
 2. The Inspector of Police,
Hosur, Krishnagiri District.
 3. The Public Prosecutor
High Court of Madras, Chennai 600 104.
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K.RAJASEKAR, J.

Vv

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