

(2025) 12 MAD CK 1924

In the Madras High Court

Case No : Criminal Original Petition No. 34615 Of 2025

Divakar

APPELLANT

Vs

State

RESPONDENT

Date of Decision : 17-12-2025

Acts Referred:

Tamil Nadu Prohibition Act, 1937 — Section 4(1A)(ii), 4(1)(c)
Bharatiya Nyaya Sanhita, 2023 — Section 269

Citation : (2025) 12 MAD CK 1924

Hon'ble Judges : K. Rajasekar, J

Bench : Single Bench

Advocate : T.Saravanan, A.Gopinath

Judgement

K.Rajasekar, J

1. The petitioner, who was arrested and remanded to judicial custody on 20.11.2025 for the alleged offence punishable under Sections 4(1)(c), 4(1-A)(ii) of TNP Act, in Crime No.260 of 2025 on the file of the respondent police, seeks bail.

2. The allegation against the petitioner is that he was found in possession of 116 liquor bottles, each containing 180 ml. Hence, a complaint was lodged and the petitioner was arrested for the said offences.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent and has been falsely implicated in this case. He further submitted that the petitioner is in judicial custody since 20.11.2025. Hence, he prayed to grant bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent reiterated the prosecution case and submitted that the petitioner has no previous case and that the property was recovered from him. He further submitted that the investigation is still pending. Hence, he opposed to grant bail to the petitioner.

5. Considered the submissions made by the learned counsel on either side, the property was seized and that the petitioner has no previous case and considering the period of his incarceration, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail on her executing a bond for a sum of Rs.20,000/- (Rupees Twenty Thousand only) with two sureties, for a like sum to the satisfaction of the learned Judicial Magistrate, Ambur, and on further conditions that:-

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of three weeks.

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

[d] the petitioner shall not tamper with the evidence or witness either during investigation or trial;

[e] On breach of any of the aforesaid conditions, the learned 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];

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