

(2025) 12 MAD CK 1854

In the Madras High Court

Case No : Criminal Original Petition No. 32948 Of 2025

Muthu

APPELLANT

Vs

State

RESPONDENT

Date of Decision : 02-12-2025

Acts Referred:

Tamil Nadu Prohibition (Amendment) Act, 2024 — Section 4(1)(A), 4(1A)(ii), 4(1)(C)
Bharatiya Nyaya Sanhita, 2023 — Section 123, 269
Indian Penal Code, 1860 — Section 328

Citation : (2025) 12 MAD CK 1854

Hon'ble Judges : K. Rajasekar, J

Bench : Single Bench

Advocate : M.Rajkumar, A.Gopinath

Judgement

K.Rajasekar, J

1. The petitioner, who was arrested and remanded to judicial custody on 03.10.2025, for the offences punishable under Sections 4(1)(A), 4(1)(C) and 4(1-A)(ii) of TNP Amendment Act, 2024 r/w Section 123 of BNS (Sec.328 of IPC) in Crime No. 119 of 2025 registered on the file respondent police, seeks bail.

2.The case of the prosecution is that, while the respondent police were routine on patrol duty, they found that the petitioner had involved in illegal possession of 50 bottles of Amruts Silver cup brandy (90 ml each). Hence the complaint.

3. The learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case and he is in judicial custody from 03.10.2025. He further submits that the petitioner is ready to abide any condition imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police reiterated the prosecution case and submits that the petitioner has four previous cases of similar in nature. He further submits that investigation is pending. However, he opposed for grant of bail to the petitioner.

5. Considering the submissions made on both sides; that the period of incarceration of the petitioner from 03.10.2025 and quantity involved in this case; that though the petitioner is having previous cases, 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 his 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, Gudiyatham, and on further conditions that:

[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 petitioner shall report before the respondent police station daily at 10:30 a.m., for a period of three weeks and thereafter, as and when required for interrogation;

[c] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned 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)13 SCC 283];

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