

(2025) 12 MAD CK 1845

In the Madras High Court

Case No : Criminal Original Petition No. 33159 Of 2025

Palanisamy

APPELLANT

Vs

State

RESPONDENT

Date of Decision : 03-12-2025

Acts Referred:

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

Citation : (2025) 12 MAD CK 1845

Hon'ble Judges : K. Rajasekar, J

Bench : Single Bench

Advocate : A.Rajakumar, A.Gopinath

Judgement

K. Rajasekar, J

1. The petitioner, who was arrested and remanded to judicial custody on 31.08.2025, for the alleged offence punishable under Section 4(1)(c), 4(1-A)(ii) of TNP Act in Crime No.245 of 2025, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner was found in illegal possession of 40 litres of illicit arrack. Hence, the complaint was registered.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner was arrested and he is in judicial custody from 31.08.2025. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner was found in illegal possession of 40 litres of illicit arrack. He would submit that there are no previous cases pending against the petitioner. He would also submit that earlier the petitioner was detained under Act 14 of 1982, which was subsequently revoked. However, he opposed for grant of bail to the petitioner.

5. Heard both sides and perused the materials available on record including the First Information Report.

6. Considering the submissions of the learned counsel on either side and the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner, subject to certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Senthamangalam, 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.