

(2026) 02 MAD CK 1738

In the Madras High Court

Case No : Criminal Original Petition No. 2772 Of 2026

Rangasamy

APPELLANT

Vs

State

RESPONDENT

Date of Decision : 13-02-2026

Acts Referred:

Tamilnadu Prohibition Act, 1937 — Section 4(1)(C), 4(1A)
Bharatiya Nyaya Sanhita, 2023 — Section 269

Citation : (2026) 02 MAD CK 1738

Hon'ble Judges : K.Rajasekar, J

Bench : Single Bench

Advocate : Swamisubramanian, A.Gopinath

Judgement

K.Rajasekar, J

1. The petitioner, who was arrested and remanded to judicial custody on 19.01.2026, for the alleged offence punishable under Sections 4(1)(C) r/w 4(1-A) of Tamilnadu Prohibition Act, 1937 in Cr.No.16 of 2026 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that when the respondent police were in regular patrol, they found that the petitioner was found to be in illegal possession of 3 litres of country made arrack and 10 litres of fermented ingredients. Subsequently, the respondent police have recovered the same and arrested the petitioner, which led to the registration of the case. Hence, the present petition has been filed seeking bail.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent and he has not committed any such offence as alleged by the prosecution. He further submitted that the petitioner is in custody from 19.01.2026 and he is ready to cooperate with the investigation and also ready and willing to abide by any conditions that may be imposed by this court. Hence, he prayed for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and reported that the properties were seized, no previous case against the petitioner and investigation in this case is pending. Hence, he opposed for grant of bail to the petitioner.

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

6. Considering the period of incarceration undergone by the petitioner, no previous cases reported against the petitioner and properties were recovered. Though it is stated that investigation in this case is pending, I am 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, for a like sum to the satisfaction of the learned Judicial Magistrate-II, Dharmapuri 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 daily at 10.30 a.m for a period of three weeks and thereafter as and when required for interrogation;

[c] the petitioner shall make himself available for interrogation by a Police Officer as and when required;

[d] the petitioner shall not directly or indirectly cause any threat to the de facto complainant and witnesses;

[e] the petitioner to give an undertaking that if required for being identified by witnesses during investigation or for police custody beyond the first fifteen days, he shall comply to the directions as may be given by the Court in this regard;

[f] 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];

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