

(2025) 12 MAD CK 1922

In the Madras High Court

Case No : Criminal Original Petition No. 33735 Of 2025

Selvin

APPELLANT

Vs

State

RESPONDENT

Date of Decision : 17-12-2025

Acts Referred:

Cigarettes And Other Tobacco Products (Prohibition Of advertisement And Regulation Of Trade And Commerce, Production, Supply And Distribution) Act, 2003 — Section 6, 24(1)
Juvenile Justice (Care And Protection Of Children) Act, 2015 — Section 77
Bharatiya Nyaya Sanhita, 2023 — Section 269

Citation : (2025) 12 MAD CK 1922

Hon'ble Judges : K. Rajasekar, J

Bench : Single Bench

Advocate : T.N. Rangesh Kanna, A. Gopinath

Judgement

K. Rajasekar, J

1. The petitioner, who was arrested and remanded to judicial custody on 16.11.2025 for the offences punishable under Sections 24(1), 6 of COTPA Act and Section 77 of JJ Act in Crime No.294 of 2025, registered on the file of the respondent police, seeks bail.

2. The case of the prosecution is that based on a specific information, the police party went to the petitioner's shop and seized banned tobacco products namely 70 packets of Hans, 37 bundles of Hans (each bundle contains 15 packets), 8 bundles of Vimal (each bundle contains 30 packets) and 30 bundles of V-I Tobacco (each bundle contains 30 packets) from the petitioner's shop, which were kept for the purpose of illegal sales to the general public and school going students; that upon investigation, it is revealed that the petitioner had purchased the same from one Neelamegam of Thattan Kuttai Village, Namakkal District; that thereafter, the police party went to the said Neelamegam's house and seized 13 bundles of Cool Lip (each bundle contain 15 packets). Hence, this case.

3. The learned counsel appearing for the petitioner submitted that the petitioner has been falsely implicated in this case and he is in judicial custody since 16.11.2025; and that the petitioner is ready to abide by any conditions that may be imposed by this Court and sought for bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent while opposing the bail to the petitioner reiterated the prosecution case and submitted that the petitioner has one previous case of similar nature; and that the investigation of this case is pending.

5. Though it is reported that the petitioner has one previous case of similar nature, considering the submissions made on both sides, facts and circumstances of the case, the contraband involved in this case was already seized and also taking note of the period of incarceration undergone by the petitioner, 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.25,000/- (Rupees Twenty Five Thousand only) with two sureties each, for a like sum to the satisfaction of the learned Principal Sessions Judge, Salem 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 four 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.