



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Wednesday, the Twenty Ninth day of December Two Thousand Twenty One

WEB COPY

PRESENT

The Hon`ble Mr Justice P. VELMURUGAN
CRIMINAL ORIGINAL PETITION No.25947 of 2021

AMMASI

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
POOLAMPATTY POLICE STATION,
SALEM DISTRICT.
CR.NO. 345/2021

[RESPONDENT]

For Petitioner : M/S. T.MURUGANANTHAM Advocate

For Respondent : MR. S.SUGENDRAN, Govt. Advocate (CrI. Side)

PETITION FOR BAIL 439 Cr.P.C.

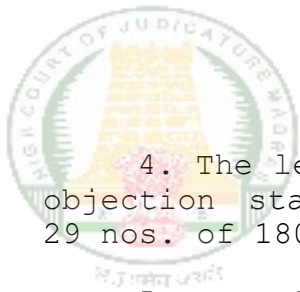
ORDER : The Court Made the following order :-

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 05.12.2021 for the offences under Sections 4(1)(a), 4(1-A), 4(1)(i) of TNP Act, in Crime No.345 of 2021, on the file of the respondent police seeks bail.

2. The case of the prosecution is that on 05.12.2021, when the respondent police officials were on routine check up, the petitioner was found in possession of 29 nos. of brandy bottles and cash of Rs.18,080/-. Hence, the complaint.

3. The learned Counsel for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He would further submit that the petitioner had filed a petition before the learned Principal Sessions Judge, Salem, in CrI.M.P.No.4969 of 2021 seeking for bail and the same was dismissed by order dated 20.12.2021. Therefore, the present petition has been filed before this Court and that the petitioner has been suffering incarceration for more than 25 days from 05.12.2021. Hence, he would pray for bail to the petitioner.



4. The learned Government Advocate (Crl. Side) would raise strong objection stating that the petitioner was found in possession of 29 nos. of 180 ml brandy bottles and cash of Rs.18,080/-.

5. Heard the learned Counsel for the petitioner and learned Government Advocate (Crl. Side) appearing for the respondent police and perused the materials on record.

6. The seized liquor is not a prohibited item as far as the Tamil Nadu is concerned as the Government itself has opened the TASMAC shops in almost every street and selling same. Even then, the people are very greedy in getting the alcohol/brandy from the other State. Taking advantage of the same, people, like the petitioner, committing this type of offence and causing loss to the Government.

7. Though there is no upper limit for selling or consuming alcohol and using the TASMAC shop, now a days, people, like the petitioner, are doing this type of offences repeatedly, which causes loss to the Government. Under these circumstances, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

-sd/-

29/12/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE INSPECTOR OF POLICE,
POOLAMPATTY POLICE STATION,
SALEM DISTRICT.

2 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

CC to M/S. T.MURUGANANTHAM Advocate on payment of necessary charges

CRL OP.25947/2021

Date :29/12/2021

INBA-04/01/2022