
(2025) 10 MH CK 0028

Madras HC

Case No: Criminal Original Petition No. 29171 Of 2025

Verasi Ram

APPELLANT

Vs

State

RESPONDENT

Date of Decision: Oct. 27, 2025

Acts Referred:

- Cigarettes And Other Tobacco Products (Prohibition Of advertisement And Regulation Of Trade And Commerce, Production, Supply And Distribution) Act, 2003 — Section 7, 20(2)
- Bharatiya Nyaya Sanhita, 2023 — Section 123, 269

Hon'ble Judges: K. Rajasekar, J

Bench: Single Bench

Advocate: S.Thirugnanam, A.Gopinath

Judgement

K.Rajasekar, J

1. The petitioner, who was arrested and remanded to judicial custody on 21.07.2025, for the offence punishable under Sections 7 and 20(2) of COTPA Act, 2003, and Section 123 of BNS, in Crime No.207 of 2024, registered on the file of the respondent, seeks bail.
2. The case of the prosecution is that the petitioner was involved in the transportation of 500 kilograms of tobacco products from another State to Tamil Nadu. Hence, the complaint.
3. The learned counsel appearing for the petitioner submitted that there are totally two accused in this case, and the co-accused (A2) has already been arrested and released on bail. He further submitted that the final report has been filed and that the petitioner has been in custody since 21.07.2025. Hence, he prays to grant bail to the petitioner.
4. Learned Government Advocate (Crl.Side) appearing for the respondent police opposed the grant of bail to the petitioner, reiterating the prosecution case and submitted that the contraband involved in this case is 500 kilograms and that the petitioner is ranked as A1. He further submitted that although the other accused was released on bail as he had no previous case, the petitioner has two previous cases. He also submitted that this Court had already dismissed the bail applications of the petitioner in Crl.O.P.Nos.23248 & 26665 of 2025 dated 21.08.2025 and 26.09.2025 respectively.
5. Heard both sides and perused the materials available on record.

6. Considering the fact that this Court had already dismissed the earlier bail applications filed by the petitioner, and it is now reported that the final report has been filed, and taking into account the period of incarceration, this Court is inclined to grant bail to the petitioner with 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, Sholinganallur, 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 concerned Court daily at 10.30 a.m., for a period of four weeks;

[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.