

(2025) 12 MAD CK 0034

Madras HC

Case No: Criminal Miscellaneous Petition (MD) No. 22119 Of 2025

Nanthakumar

APPELLANT

Vs

State Of Tamil Nadu

RESPONDENT

Date of Decision: Dec. 3, 2025

Acts Referred:

- Cigarettes And Other Tobacco Products (Prohibition Of advertisement And Regulation Of Trade And Commerce Production Supply And Distribution) Act, 2003-Section 24(1)
- Tamil Nadu Prohibition (Amendment) Act, 2024-Section 24(1)
- Juvenile Justice (Care And Protection Of Children) Act, 2015-Section 77
- Bharatiya Nyaya Sanhita, 2023-Section 269

Hon'ble Judges: L. Victoria Gowri, J

Bench: Single Bench

Advocate: D.Rajaboopathy, A.S.Abul Kalaam Azad

Judgement

L. Victoria Gowri, J

1. The petitioner, who was arrested and remanded to judicial custody on 13.11.2025 for the offences punishable under Sections 24(1) of COTPA Act, 4(1)(B) of the Tamil Nadu Prohibition (Amendment) Act and 77 of the Juvenile Justice (Care and Protection of Children) Act, in Cr.No.535 of 2025 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner was in illegal possession of 90 bottles (180 ml) of liquor. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offences as alleged by the prosecution. He further submitted that the petitioner is ready and willing to abide by any conditions which may be imposed by this Court and he is in judicial custody from 13.11.2025. Hence, he seeks bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that if bail is granted, the petitioner may commit similar offences. Hence, he opposed for grant of bail to the petitioner.

5. Taking into consideration of the facts and circumstances of the case and also considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner, subject to the following conditions:

6. Accordingly, the petitioner is ordered to be released on bail on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Thanjavur, and on further conditions that :-

[a] The petitioner shall pay a sum of Rs.10,000/-(Rupees ten thousand only) to Sidha Center attached to Madurai Bench of Madras High Court, Madurai, (A/c No. 6865578213, Indian Bank, Madurai Bench of Madras High Court, Madurai.) as non-refundable deposit.

[b] 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.

[c] the petitioner shall appear before the learned Judicial Magistrate No.II, Thanjavur, daily at 10.30 a.m., until further orders.

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] 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 BNS.