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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Thursday, the Twelfth day of September Two Thousand and Twenty Four
PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY
CRL OP(MD) No.14942 of 2024

AUNESTRAJA

... PETITIONER /2nd ACCUSED

Vs

1 THE STATE OF TAMIL NADU
REP. BY THE INSPECTOR OF POLICE,
KADAYAM POLICE STATION,
TENKASI DISTRICT.
CRIME NO.216/2024.

... RESPONDENT / COMPLAINANT

(*) 2. The Union of India,
the Ministry of Health & Family Welfare,
Room No. 201-D, Nirman Bhawan,
New Delhi - 110011

3. The Secretary to Government,
School Education Department,
Secretariat, Chennai - 600009

4. The Commissioner
Food Safety and Drug Administration
Tamil Nadu, No.359 Anna Salai,
Teynampet, Chennai-600009

... RESPONDENTS 2 to 4

(*) (Respondents 2 to 4 are suo-motu impleaded as per
order of this Court dated 12.09.2024 in Crl.OP.(MD)
No.14942 of 2024)



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For Petitioner : Mr.D.VENKATESH Advocate
For Respondent : Mr.R.M.ANBUNITHI,
Additional Public Prosecutor

PETITION FOR BAIL UNDER SECTION 483 OF BNSS

PRAYER :

FOR BAIL IN CRIME NO. 216 OF 2024 ON THE FILE OF THE RESPONDENT
POLICE.

ORDER : The Court Made the following order :-

The petitioner/Accused, who was arrested and remanded to judicial custody on 25.08.2024 for the offences punishable under Section 123 of BNS, 2023 and Section 24 (1) of Cigarette and other Tobacco Products Act, 2003 in crime No. 216 of 2024 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner herein was found in possession of 27 packets of Cool lip Tobacco Products. Hence, the case.

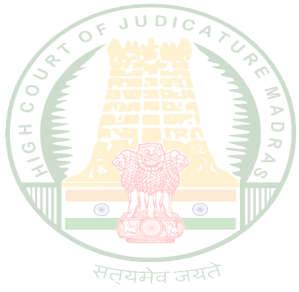
3. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondent and perused the materials available on record.

4. The allegation against the petitioner in this case is that he purchased the Cool lip pouches from other State and has smuggled into Tamil Nadu. This Court has been witnessing the seizure of large quantity of Cool lips products. Video footages show



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the school children using this cool lips product are behaving indifferently in the class by keeping this product between the cheek and and gum and also hitting each other. Repeated incidents were brought to the notice of this court that they are misbehaving and they are sitting in a dazed condition in the classroom. The teachers are finding it extremely difficult. The parents are unable to find out. Tobacco itself is unsafe. As a matter of fact, orders have been passed by the authorities of Tamil Nadu that it is an unsafe food. It will lead to cancer. More importantly, this pushes the school children towards the habit of going further for ganja and other narcotic substances once they become immune to the nicotine induced addiction. In that view of the matter, even though the Government of Tamil Nadu has taken due care to ban the product inside the state of Tamil Nadu, it is produced, manufactured and sold in the other states. On account of which, in spite of the best efforts of the Tamil Nadu Police and also the officials under the Food Safety and Standards Act, 2006 huge quantity is being smuggled into the state of Tamil Nadu and is being sold. It is impossible to totally curtail the pilferage. In that view of the matter, this Court is of the opinion that this matter has to be enquired in detail. Only after detailed enquiry, the question of grant of bail to this kind of Interstate sellers can be finally determined. In view thereof the Union of India, the Ministry of Health & Family Welfare, Room No. 201-D, Nirman Bhawan, New Delhi - 110011 and the Secretary to Government, [School Education](#)



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Department, Secretariat, Chennai - 600009 and the Commissioner of Food Safety and Drug Administration in Tamil Nadu, No.359 Anna Salai, Teynampet, Chennai-600009 are suo-motu impleaded as respondents 2 to 4 in this case. For their appearance and for further enquiry call the matter on 20/09/2024.

5. Considering the fact that the case is kept for a longer date for hearing and considering the fact that the petitioner is arrested and is in custody from 25/8/2024, I am of the view that interim bail can be granted to the petitioner until further orders.

6. Accordingly, the petitioner is ordered to be released on interim 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, Tenkasi.

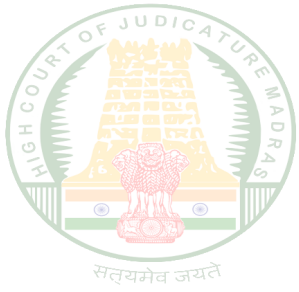
(i)the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(ii)the petitioner shall appear before the respondent Police daily at 10.30 a.m for a period of three weeks;

(iii)the petitioner shall not tamper with evidence or witness;

iv)the petitioner shall not abscond during trial.

v)On breach of any of the aforesaid conditions, the learned Magistrate/Trial



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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].

(vi)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

Post the matter on 20.09.2024.

sd/-
12/09/2024

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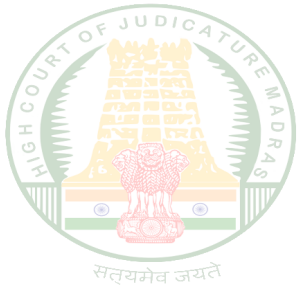
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP

TO

1 THE INSPECTOR OF POLICE,
KADAYAM POLICE STATION,
TENKASI DISTRICT.

2. THE OFFICER INCHARGE,
SUB-JAIL, TENKASI.



CRL OP(MD) No.14942 of 2024

3. THE UNION OF INDIA,
THE MINISTRY OF HEALTH & FAMILY WELFARE,
ROOM NO. 201-D, NIRMAN BHAWAN,
NEW DELHI - 110011

4. THE SECRETARY TO GOVERNMENT,
SCHOOL EDUCATION DEPARTMENT,
SECRETARIAT, CHENNAI - 600009

5. THE COMMISSIONER
FOOD SAFETY AND DRUG ADMINISTRATION
TAMIL NADU, NO.359 ANNA SALAI,
TEYNAMPET, CHENNAI-600009

6. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.14942 of 2024
Date :12/09/2024

PSP/ /SAR /12.09.2024/ 6P/ 7C

Madurai Bench of Madras High Court is issuing certified
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