

IN THE COURT OF THE PRINCIPAL SESSIONS JUDGE,
SALEM

Present: Tmt.S.Sumathy, M.L.,
Principal Sessions Judge,
Salem.

Tuesday, this the 10th day of March, 2026

CRIMINAL MISCELLANEOUS PETITION No.617/2026
(CNR.No.TNSA010012732026)

Lingaraj (38), S/o Ramar Pandi ... Petitioner/Accused.

Vs

State by: The Inspector of Police,
Tharamangalam P.S.

Cr.No.83/2026.

... Respondent / Complainant.

This petition is filed on 07.03.2026 u/s 483 of BNSS, to grant bail to the petitioner.

This petition is coming on this day for hearing before me, in the presence of Thiru.S.Shabeer, Counsel for the petitioner and the Public Prosecutor for the respondent, after perusing the averments, this Court delivered the following:

ORDER

1) Heard both side and records perused. The petitioner is the accused in Cr.No.83/2026 of Tharamangalam PS. The petitioner, who was remanded to judicial custody on 05.02.2026 for the alleged offences u/sec.7, 20(2) of COTPA Act, 2003 r/w sec.123, 62 and 275 of BNS, has come forward with this petition seeking to release him on bail.

2) The case of the prosecution is that on 05.02.2026 at about 14.00

hrs., on receipt of secrete information regarding possession of banned tobacco products, when the defacto complainant and his police team were watching near the godown of one Senthilkumar situated at Latchumayur, the petitioner was found in possession 1089 kg of banned tobacco products in the said godown. Hence this case.

3) The learned Counsel for the petitioner has submitted that the petitioner has not committed any offence and for statistical purpose, this case is foisted against him; as per the ruling of the Apex Court, the possession and selling of Gutkha or panmasala would not amount to an offence u/sec.328 of IPC and hence, the offence u/sec.123 of BNS will not attract against the petitioner; this is the second application for bail and for the past 34 days, the petitioner is in judicial custody and prayed to enlarge the petitioner on bail.

4) On the other hand, the learned Public Prosecutor has reiterated the facts of the case and submitted that the petitioner was found in possession on 1089 kg of banned tobacco products worth Rs.5,67,800/- and the owner of the godown, in which the banned tobacco products were stored, is still absconding, in the said circumstances, if the petitioner is released on bail, the police will not able to secure the owner of the godown. He further has submitted that the petitioner has already involved in yet another 16 cases similar in nature and the investigation is pending, hence, he strongly

objected to release the petitioner on bail. Earlier bail application of the petitioner was dismissed by this Court on 23.02.2026 and there is no change of circumstances.

5) Records perused. It is revealed from the representation made by the learned Public Prosecutor that the owner of the godown, in which the banned tobacco products are said to have stored, is still absconding. The quantity of banned tobacco products involved in the case is huge. The petitioner is having 16 previous cases similar in nature. The investigation is pending. Earlier bail application of the petitioner was dismissed by this Court on 23.02.2026 and this Court does not find any change of circumstances. Hence this petition is dismissed.

Pronounced by me in Open Court, this the 10th day of March, 2026.

Principal Sessions Judge,
Salem.