

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No. 955 of 2015

ORDER :

The petitioner, who is accused No.4 in Crime No. 187 of 2014 of Singanamala Excise Police Station, Anantapur District, filed the present application under Section 438 Cr.P.C. seeking release in the event of his arrest in connection with the above crime registered for an offence punishable under Section 34(a) of the A.P. Excise Act.

The case of the prosecution is that on receiving credible information about illegal transportation of liquor, on 29.01.2014 the Inspector of Police, Singanamala Police Station, along with his staff and mediators reached Sodanapalli cross road, found an auto coming from Salakamcheruvu and intercepted the same. They arrested A.1 and A.2 and seized 1350 liquor bottles from their possession. Their statement disclosed that the said contraband was being transported from stock point to belt shops as per the instructions of A.3, who was the owner and licence holder of Sindhura Wines Shop, and his partner, the petitioner herein. Basing on these allegations, the above crime came to be registered.

Learned counsel for the petitioner mainly submits that except the confessional statement of A.1 and A.2, there is no other material to connect the petitioner with the crime. The learned Additional Public Prosecutor opposed the application contending that at the instance of the petitioner, the contraband was being transported.

A perusal of the material placed before the Court would disclose that except the confession made by the co-accused, there is no other material to connect the petitioner with the crime. But however, the confession made to the police by the co-accused cannot be brushed aside at this stage. While dealing with the relevancy of the confession, a learned Single Judge of this Court in ***State of Andhra Pradesh V. Kollam Gangi Reddy***^[1] observed as under:

“The Apex Court in ***State through C.B.I. V. Amarmani Tripathy***^[2] categorically laid down that the confession of co-accused can also be a basis for holding *prima facie* accusation against the accused for negating bail in rejecting the contention contra.”

Having regard to the said circumstances, I am not inclined to grant anticipatory bail to the petitioner.

Accordingly, the Criminal Petition is dismissed. However, the petitioner, if so advised, is directed to surrender before the concerned Court and move an application for bail before the appropriate Court after giving prior notice to the Public Prosecutor in which event the same shall be dealt with, in accordance with law, on the same day or at least by the next day.

JUSTICE C. PRAVEEN KUMAR

19th February, 2015
cbs

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[\[1\]](#) 2014 (2) ALD (CrI) 684

[\[2\]](#) AIR 2005 SC 3490