

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.6504 of 2015

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ORDER :

This Criminal Petition is filed by the Petitioner/Accused No.3 under Section 482 Cr.P.C seeking to quash the proceedings in Crime No.4/2015-16 of Excise and Prohibition P.S, Eturunagaram, Warangal District registered for the offences punishable under Section 3 read with 7 of Essential Commodities Act for contravention of Rule 3 of the G.U.R (regulation of use) Order, 1968 and Section 34(e) of the A.P. Excise Act, 1968.

2) Heard the learned counsel for the petitioner and the respondents i.e., the S.H.O, Excise and Prohibition, Eturu Nagaram, shown as respondent Nos.1 and 2 of whom 2nd respondent is named in person the 1st respondent, the S.H.O is designated represented by the Public Prosecutor before admission and perused the material on record.

3) It is the submission of the learned Public Prosecutor by filing a document showing the analysis report of the sample send shows, the black jaggery of 3,000 Kgs seized, of which samples collected are can be used for manufacturing of illicit distilled liquor and it is the submission that so far as A-3 concerned, earlier he was involved in Crime no.38 of 2015, dated 02.04.2015 by same police station having seized 17,000 Kgs while he was transporting 340 bags of black jaggery along with lorry bearing No.AP 24 TA 4272.

4) The contention in the quash petition is that the petitioner/A-3 is nothing to do with the panchnama which in fact shows among the three accused, A-3 in abscondence and fled away, A-1 and A-2 were apprehended and 3,000 Kgs of black jaggery was seized by intercepting the vehicle bearing No.AP 20 TB 4449, while proceeding

towards Kamalapur. There is no basis to appreciate the contention of nothing to do by petitioner/A-3 as panch itself shows he fled away. Further, the other contention is that A-2 got licence to do the business in black jaggery. It is not even the submission in the quash petition that A-3 is working under A-2 who got licence to do the black jaggery business. When it is the case of total denial and nothing to do and a false implication, said contention of A-2 got licence cannot be a ground to extend the licence for the benefit of A-3.

5) Having regard to the above, there are no grounds to quash the crime proceedings, but for to say in the factual matrix, he is entitled to concession of bail and the Criminal Petition is disposed of giving liberty to the petitioner to surrender before the learned Magistrate and move for regular bail with notice to the A.P.P concerned and in such an event, the learned Magistrate shall grant bail on the same day with necessary conditions. Needless to say the learned Magistrate can dispense with the presence of the petitioner at post bail stage. Further remedies, if any, to the petitioner after filing final report and after taking cognizance by the learned Magistrate, are left open.

6) Consequently, the miscellaneous petitions, if any pending, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Dt.15th September, 2015

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