

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION Nos.12535 and 12536 OF 2016

COMMON ORDER:

Since both the Criminal Petitions arise out of the same Crime, they are disposed of by way of this Common Order.

2. Criminal Petition No.12535 of 2016 is filed by the petitioner/A.2, whereas the Criminal Petition No.12536 of 2016 is filed by the petitioner/A.3 under Section 438 Cr.P.C., seeking release in the event of their arrest in C.O.R.No.30 of 2016 of Prohibition and Excise Station, Marredpally, registered for the offences punishable under Sections 34(a) and 36(1)(c) of the Andhra Pradesh Excise Act read with Licence Condition No.1 of A.4 Licence Shop Rules, 2012.

3. The case of the prosecution is that on 31.07.2016 at 1:15 P.M., Enforcement Hyderabad, Prohibition and Excise along with SHO of Musheerabad staff conducted raid at Mangoor Basthi, Thukaramgate, at house bearing Door No.10-5-377/E1, Thukaramgate near Water tank, Mangoor Basthi, Secunderabad, wherein MC Dowell No.1 luxury whisky 240 nibs, Officers Choice Whisky 816 nibs, ACP Whisky 48 nibs, Madras Blue deluxe whisky 768 nibs, royal lice premium whisky 672 nibs total 2544 nibs including samples were seized in the presence of mediators. A.1 was apprehended on the spot and his confession was recorded. Basing on these allegations, the present crime came to be registered.

4. Learned counsel for the petitioner in Criminal Petition No.12535 of 2016 mainly submits that the allegations made in the

report are all false and no quantity of contraband was seized from the house of A.1 and A.2. Whereas the learned counsel for the petitioner in Criminal Petition No.12536 of 2016 submits that the petitioner/A.3 was falsely implicated in this case and except the confessional statement of A.1, there is no other material to connect the petitioner/A.3 with the present crime.

5. Learned Public Prosecutor opposed the same contending that in the absence of any explanation with regard to presence of contraband in the house of the petitioner/A.2 and since A.3 was also involved in another Crime No.29 of 2015-16 of Musheerabad Police Station, and was helping A.1 and A.2 in selling the same, the petitioners are not entitled for anticipatory bail.

6. As seen from record, huge quantity of IML was seized from the house of A.1 and A.2. In the absence of any explanation as to why such huge quantity of IML was stored in their house, the request of the petitioner/A.2 cannot be considered.

7. Insofar as the petitioner/A.3 is concerned, no material is placed on record to connect the petitioner/A.3 with the present crime, except the confessional statement of A.1. In view of the above, the petitioner/A.3 shall surrender before the concerned Court and move an application for bail after giving prior notice to the learned Public Prosecutor, in which event the same shall be considered on the same day.

7. Accordingly, Criminal Petition No.12535 of 2016 is dismissed and Criminal Petition No.12536 is disposed of.

JUSTICE C. PRAVEEN KUMAR

Date:30.08.2016

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