

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No.9945 of 2016

ORDER:

The petitioner, who is A-5 in P.R. No.92 of 2016 of Warangal (Urban) Prohibition and Excise Station, Warangal District, preferred the present application under Section 438 Cr.P.C., seeking release in the event of his arrest in connection with the above crime registered against him and others for the offence punishable under Section 34(e) of A.P. Excise Act, 1968 and u/s.8(c) read with 20(b) of NDPS Act, 1985.

The case of prosecution is that on reliable information the Inspector of Police, Warangal (Urban) along with his staff proceeded towards Railway gate, Beat Bazar, Warangal and apprehended four persons while transporting Alum and dry ganja. He seized about 2000 kgs of alum, one kg of dry ganja and other incriminating substances. As per the confession made by A-1 to A-4, the property which is seized belongs to A-5/petitioner. Basing on these allegations, the above report came to be registered.

Learned counsel for the petitioner submits that the petitioner is a trader and doing business in black-jaggery and Alum and as such possessing Alum by itself is not an offence. He further submits that the police have been intentionally registering crimes against the petitioner only with a view to detain him in the police station.

The same is opposed by the learned Additional Public Prosecutor contending that the petitioner is involved in five more cases and the authorities are taking steps to prevent him from involving in other cases.

As seen from the record, A-1 to A-4 are alleged to have confessed stating that the property seized from them belongs to the petitioner. Except the alleged confession made by A-1 to A-4 stating that the

property belongs to the petitioner, there is no other material to connect him with the crime.

Having regard to the fact that the petitioner is involved in five other crimes of similar nature and since the case is based on the confession, the petitioner is directed to surrender before the concerned court and move an application seeking regular bail after giving prior notice to the concerned Public Prosecutor, in which event the same shall be considered in accordance with law on the same day.

With the above direction, the Criminal Petition is disposed of.

JUSTICE C. PRAVEEN KUMAR

Dt:27.07.2016

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