

THE HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

CRIMINAL PETITION No.1890 OF 2016

ORDER:

The petitioner, who is accused No.1, filed the present application under Section 438 Cr.P.C. seeking release in the event of his arrest in connection with Crime No.366/2015-16 of Prohibition & Excise Police Station, Narsapur, Medak District, registered for the offences punishable under Section 8(c) read with Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 read with Sections 37(a), 37(i), 36(1)(b)&(c) read with 36(1)(i) of the Andhra Pradesh Excise Act, 1968.

2. The case of the prosecution is that on 22.9.2015, at about 10.40 A.M., the Prohibition & Excise Inspector along with his staff raided the toddy shop of Kodapanchi Village where they found some persons consuming toddy. On enquiry, the said persons informed them that the petitioner/A-1 was selling the toddy on behalf of the licensee – A-2 and the said persons ran away from the shop. Since the license was standing in the name of A-2, the present crime came to be registered against A-1 and A-2.

3. Learned counsel for the petitioner/A-1 contended that the allegations made against the petitioner are false and the petitioner was not present at the shop. It is urged that A-2 who is the licensee was selling toddy and due to rivalry in the village, the petitioner has been falsely implicated in the present case.

4. Learned Public Prosecutor opposed the petition on the ground that at the earliest point of time, the persons present at the toddy shop revealed the name of the petitioner and as such, it cannot be said that he was falsely implicated.

5. A perusal of the case diary particularly, the panchanama prepared at the scene of offence show that when the police entered into the shop, the petitioner herein was not there. When the persons present there were enquired, they informed that the petitioner was the person who was selling the toddy and on seeing the police, he ran away. The toddy, which was in their possession, was found to be adulterated with diazepam. Having regard to the gravity of the offence and taking into consideration the statements of the persons present at the shop, I am not inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the Criminal Petition is dismissed. However, it is always open to the petitioner to appear before the Court concerned and move an application for bail after giving prior notice to the Public Prosecutor, in which event, the same shall be dealt with on the same day or at the earliest in accordance with law.

JUSTICE C.PRAVEEN KUMAR

Date: 22.02.2016
AMD

-

-

-

THE HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-
-
-
-

-
-

CRIMINAL PETITION No.1890 OF 2016

-
-

-

DATE: 22.02.2016

AMD