

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No.14128 OF 2016

ORDER:

The petitioner, who is A.3, preferred the present Criminal Petition under Section 438 of the Code of Criminal Procedure, 1973, seeking release in the event of his arrest in Crime No.391 of 2015-16 of Prohibition and Excise Station, Charminar, Hyderabad, registered for the offence punishable under Section 7(A) read with 8(e) of the Andhra Pradesh Prohibition Act, 1995.

2. The case of the prosecution is that on 18.10.2015 at about 2:30 P.M., Prohibition and Excise Sub-Inspector along with his staff raided open place in front of H.No.14-7-455/15/1, Lalithabagh, Uppuguda, Hyderabad, and found A.1 selling liquor packets. On enquiry, he stated that he was selling the liquor packets at the instance of A.2 and the petitioner herein/A.3. During the course of search, they found and seized 756 sachets, each sachet containing 100 M.L., of ID Liquor. Basing on the above search and seizure, the present crime came to be registered.

3. Learned counsel for the petitioner submits that the allegations in the report are all false and except the confession of co-accused, there is no other material to connect the petitioner with the present crime. He further submits that the petitioner is pursuing his studies and if he is arrested, his future will be spoiled.

4. Learned Additional Public Prosecutor opposed the petition contending that nine cases were registered against the petitioner and all the cases are posted today for grant of anticipatory bail.

5. As seen from the record, about nine cases are registered against the petitioner for similar offence. Though the learned counsel for the petitioner tried to contend that the confession of co-accused is inadmissible in evidence, but the Apex Court in *State through C.B.I. V. Amarmani Tripathy*¹, held as under:

“The admissibility or otherwise of the confessional statement and the effect of the evidence already adduced by the prosecution and the merit of the evidence that may be adduced hereinafter including that of the witnesses sought to be recalled are all matters to be considered at the stage of the trial”.

6. Having regard to the facts and circumstances of the case and in view of the judgment of the Hon'ble Apex Court, I am not inclined to grant anticipatory bail. However, the petitioner 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 dealt with, in accordance with law, on the same day or at the earliest.

7. Accordingly, the Criminal Petition is disposed of.

JUSTICE C. PRAVEEN KUMAR

Date:30.09.2016
INL

¹ AIR 2005 SC 3490