

**THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR**

**CRIMINAL PETITION No.1701 OF 2016**

**ORDER:**

Heard the learned counsel for the petitioner and the learned Public Prosecutor.

2. The present Criminal Petition came to be filed under Section 438 of the Code of Criminal Procedure, 1973, by petitioner/accused seeking release on bail in the event of his arrest in C.O.R.No.606 of 2015-16 of Prohibition and Excise Police Station, Narayankhed, Medak District, registered for the offence punishable under Section 7-A read with 8(e) of Andhra Pradesh Prohibition and Excise Act, 1995.

3. The averments in the C.O.R., are that the petitioner is the owner of the house bearing No.1-127 of Yesgi Village. On 17.12.2015 on information, the excise police along with panchas raided the said house and on search, they found 70 litres of I.D. liquor (arrack) in three tubes (i.e., 30, 20 and 20 litres of I.D. Liquor), which was seized after drawing samples to be sent to Forensic Laboratory. On enquiry, they were told by the neighbours that on coming to know about the raid by the excise officials, the petitioner escaped from the house. Basing on these allegations, the present report came to be registered.

4. Learned counsel for the petitioner submits that since the petitioner was not there in the house at that point of time, the excise officials foisted a false case against the petitioner and the alleged seizure was also set up by the excise officials.

5. Learned Public Prosecutor opposes the same stating that the Case Diary shows that the petitioner was there in the house and on

coming to know that the excise officials were coming to raid, he escaped from the house and the same was informed by his neighbours.

6. A perusal of the record shows that the quantity of I.D., Liquor seized is quite large and there is no dispute with regard to the ownership of the petitioner over the house. Hence, I am not inclined to grant anticipatory bail to the petitioner.

7. Accordingly, the Criminal Petition is dismissed. However, the petitioner shall surrender himself before the Judicial Magistrate of I Class, Narayanakhed, Medak District, and move an application for bail after giving prior notice to the Public Prosecutor, in which event the same shall be dealt with at the earliest in accordance with law and also taking into consideration the age of the petitioner.

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**JUSTICE C. PRAVEEN KUMAR**

Date:18.02.2016

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