

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No.11264 of 2016

ORDER :

The petitioner, who is accused No.2, filed the present application under Section 438 Cr.P.C. seeking release in the event of his arrest in connection with Crime No.109/2014-2015 of Prohibition and Excise Police Station, Alamuru, registered for the offences punishable under Section 7 (A) read with 8 (e) of the Andhra Pradesh Prohibition Act, 1995.

The case of the prosecution is that on 23.09.2014 at about 7.00 p.m. while conducting raid the Prohibition and Excise Police, Alamuru found two persons coming on a motor bike and on seeing them one person ran away from the scene, The police apprehended accused No.1 and on search they found 150 litres of I.D.liquor. Accused No.1 confessed that he along with the petitioner, were transporting I.D.Liquor. Basing on the search and seizure the above case came to be registered.

Heard learned counsel for the petitioner and Public Prosecutor appearing for the respondent-State.

Learned counsel for the petitioner submits that except the confession of co-accused there is no other material to connect the petitioner with the crime, but the same is disputed by the learned Public Prosecutor.

As seen from the record, two persons were found transporting I.D.Liquor on motor bike and on seeing the

police one person ran away from the place. Accused No.1, who was arrested, disclosed the presence of accused No.2/petitioner along with him at the time of interception. 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."

Apart from that the Public Prosecutor on instructions submits that the petitioner is involved in six cases of similar nature. Hence, I am not inclined to grant anticipatory bail to the petitioner. However, the petitioner, if so advised, shall surrender before the Court concerned and make an application for regular bail, in which event, the same shall be dealt with in accordance with law at the earliest.

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

C. PRAVEEN KUMAR, J

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[\[1\]](#) AIR 2005 SC 3490