

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.5777 of 2017

ORDER:

This criminal petition is filed by the petitioner-accused No.3, under Section 438 of Cr.P.C., seeking pre arrest bail in C.O.R. No.23 of 2017 on the file of the Prohibition & Excise Station, Morthad.

2. Heard the learned counsel for the petitioner. The learned Additional Public Prosecutor vehemently opposed the bail petition.

3. It is the case of the prosecution that on 27.4.2017, on receiving credible information about transportation of Alprazolam, the Prohibition & Excise Officials, along with the mediators, rushed to Padgal Cross-roads on NH 63 of Nizamabad District, and found two persons traveling on a motor cycle. The Officials stopped the vehicle and when questioned they disclosed their names as Banevad Vijaya Kumar (A.1) and Komati Rakesh Kumar (A.2). The Officials seized 200 grams of Alprazolam from the possession of accused Nos.1 and 2 and on interrogation, they stated that they are transporting the Alprazolam, at the instance of the petitioner. After completion of necessary formalities, accused Nos.1 and 2 were produced before the concerned Court for judicial custody.

4. The learned Additional Public Prosecutor submitted that the petitioner is also an accused in C.O.R. No.107 of 2016 on the file of Armour Prohibition and Excise Station and C.O.R. No.150 of 2016 on the file of the Nirmal Prohibition & Excise Station. The petitioner was shown as absconding in C.O.R. No.150 of 2016.

Alprazolam seized from accused Nos.1 and 2 is a commercial quantity.

5. Taking into consideration the nature of the alleged offence and Alprazolam alleged to have been seized is a commercial quantity, this court is of the considered view that it is not a fit case to grant anticipatory bail to the petitioner.

6. Accordingly, the criminal petition is dismissed.

T.SUNIL CHOWDARY, J

August 23, 2017
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