

HONOURABLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION No.1099 OF 2017

ORDER:

This Criminal Petition is filed under Section 438 of Cr.P.C. to enlarge the petitioner on bail in Crime No.109 of 2016 of Excise Police Station, Rajendranagar, Ranga Reddy District, registered for the alleged offences punishable under Sections 8 (c) and 22 of NDPS Act and under Rule 27(1) of A.P.Excise Rules, 2007, apprehending his arrest in the above crime.

Petitioner is a licensed toddy shop owner and on 25-5-2016, Excise Officials inspected the toddy shop and on verification, they found 15 wooden crates each containing 24 bottles of 650 ml. and after noticing that it is not free from chloral hydrate, drew samples on suspicion and sent the same for analysis. The C.E. report revealed that it was adulterated with Alprazolam. On the strength of Mediators Report and Analyst Report, police registered a case in the above crime and investigated into.

The only argument advanced by the learned counsel for the petitioner before this court is that the Sessions Judge while dismissing the CrI.M.P.No.1422 of 2016 in Cr.No.109 of 2016 dated 8-7-2016 i.e. for grant of regular bail made an observation that in case anticipatory bail is granted to the petitioner, there is a scope of tampering of evidence. But this court cannot exercise inherent jurisdiction as it is an application filed under Section 438 of Cr.P.C.

The counsel for the petitioner vehemently contended that the question of tampering evidence does not arise after seven months and the petitioner would be put to inconvenience if no anticipatory bail is granted but for grant of pre-arrest bail, the court has to satisfy itself that there is no prima facie material to conclude that the petitioner did commit no offence and that apart, there is no possibility of tampering of evidence. In addition to that the offences are serious offences.

When the offence is under the provisions of NDPS Act, it is for the petitioner to satisfy this court that the petitioner did commit no offence, so as to enable this court to grant pre-arrest bail. But, here, the petitioner except contending that question of tampering evidence does not arise, no other ground is raised and therefore, it deserves to be dismissed.

Accordingly, this Criminal Petition is dismissed.

As a sequel to the disposal of this petition, the Miscellaneous Petitions, if any, pending, shall stand dismissed.

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JUSTICE M.SATYANARAYANA MURTHY

Dated 21-2-2017.

Dvs.

HONOURABLE SRI JUSTICE M.SATYANARAYANA MURTHY



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Dated 21-2-2017.

Dvs