

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.8431 of 2017

ORDER:

1 This criminal petition is filed, by the petitioner-accused No.2, under Section 438 Cr.P.C., seeking anticipatory bail in Crime No.210 of 2017 on the file of the Station House Officer, Mahaboobabad Proh. & Excise Station, registered for the offence punishable under Sections 34 (a) of A.P. Excise Act, 1968.

2 The learned counsel for the petitioner strenuously submitted that the petitioner, who is the owner of Venkateswara Wines shop, was falsely implicated in this case. He further submitted that simply because the liquor and beer bottles were recovered from the house of the accused No.1, that itself is not a sufficient ground to implicate the petitioner in the case.

3 *Per contra*, learned Additional Public Prosecutor representing the State submitted that the batch number found on the liquor and beer bottles pertains to the Venkateswara Wines. He further submitted that the accused No.1 was selling liquor at higher price than the MRP at his house at the instance of the petitioner herein.

4 The case of the prosecution is that on 03.06.2017 at about 8-30 AM, on receiving reliable information about the storage of huge quantity of liquor bottles in the house of accused No.1, the Inspector of Police, Proh.& Excise, Mahaboobabad visited the house of the accused No.1 and seized 2,136 liquor bottles of different brands. It is the further case of the prosecution that the petitioner herein who is the owner of Venkateswara Wines is selling

liquor bottles through accused No.2 in violation of the terms and conditions of the licence.

5 The petitioner filed CrI.M.P.No.908 of 2017 on the file of the Court of the V Additional Sessions Judge, Kothagudem and the same was dismissed on 22.08.2017.

6 A perusal of the record reveals that the petitioner obtained wine shop licence and the same is valid up to 30.09.2017. It is needless to say that the person, who obtained licence for running wine shop, has to sell the liquor within the premises. No one is entitled to sell liquor outside the licenced premises. In the instant case, as many as 2,136 bottles of different brands of liquor and beer were seized by the Inspector from the house of accused No.1. The bottles seized by the Inspector of Police bear the batch number allotted to Venkateswara Wines. A perusal of the record prima facie reveals the role played by the petitioner in the commission of the offence.

7 Taking into consideration the nature of the offence alleged as well as the stage of the investigation, this Court is of the considered view that this is not a fit case to grant anticipatory bail to the petitioner.

8 In the result, the petition is dismissed.

T.SUNIL CHOWDARY, J

Date: 21st September, 2017
Kvsn