

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.7163 of 2017

ORDER:

This petition is filed under Section 438 Cr.P.C. by the petitioner/accused seeking pre-arrest bail in Crime No.87 2017 on the file of the Station House Officer, Prohibition & Excise Police Station, Rajamahendravaram South, registered for the offences punishable under Sections 7(A) read with 8(e) of A.P. Prohibition Excise Act.

2. Learned counsel for the petitioner strenuously submitted that the police falsely implicated the petitioner by forcibly taking his motor cycle from his house on 18.03.2017. He further submitted that the trial Court dismissed his anticipatory bail application on erroneous grounds. **Per contra**, learned Additional Public Prosecutor submitted that the allegations made in the complaint *prima facie* constitute the offence alleged to have been committed by the petitioner. He further submitted that the investigation is in progress.

3. It is the case of the prosecution that on 17.03.2017 at about 4.00 a.m. on receiving a reliable information, the Excise Officials proceeded to Raghunadhapuram village in order to check the vehicles. On seeing the police, the petitioner left the TVS XL Moped bearing No.AP 05 AF 1434 along with two gunny bags. The Excise Officials opened the gunny bags and

found 170 litres of ID liquor. After completing the necessary formalities, the above case was registered. The petitioner filed CrI.M.P.No.795of 2017 on the file of the Special Judge for trial of Cases under SCs & STs (POA) Act –cum- X Additional District & Sessions Judge, East Godavari at Rajamahendravaram, under Section 438 Cr.P.C. and the same was dismissed on 13.07.2017.

4. It is not the case of the petitioner that he is not the owner of the Moped bearing No. AP 05 AF 1434. The fact remains that the excise officials seized 170 litres of ID liquor being carried on TVS Moped. If really the police forcibly taken away his motor cycle from his house on 18.03.2017, what prevented the petitioner to approach the competent authority to ventilate his legitimate and legal grievances. A perusal of the record *prima facie* reveals the role played by the petitioner in the commission of offence.

5. Taking into consideration the nature of the offence alleged to have been committed by the petitioner and the stage of investigation, this Court is of the considered view that it is not a fit case to grant pre-arrest bail to the petitioner-accused.

6. In the result, the Criminal Petition is dismissed.

T.SUNIL CHOWDARY, J

Date: 04.09.2017
Rns

