

**THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY**

**CRIMINAL PETITION NO.9284 OF 2017**

**ORDER:**

Petitioners, who are A1 and A2 in Cr.No.52 of 2016-17 on the file of Station House Officer, Prohibition & Excise Police Station, Bapatla, registered for the offence punishable under Section 50 (A) of the A.P. Excise Act, filed this petition under Section 438 Cr.P.C. seeking anticipatory bail.

2. Learned counsel for the petitioners submitted that the 1<sup>st</sup> petitioner was falsely implicated in Cr.No.43 of 2016-17 on the file of the Excise Police Station, Bapatla. He further submitted that taking advance of pendency of Cr.No.43 of 2016-17, these petitioners were falsely implicated in P.R.No.52 of 2016-17 on the file of Prohibition & Excise Police Station, Bapatla. **Per contra**, learned Additional Public Prosecutor representing the State submitted that the petitioners along with others prevented the Excise Officials from discharging their duties. He further submitted that the 1<sup>st</sup> petitioner was absconding from the date of registration of Cr.No.43 of 2016-17; therefore, it is not a fit case to grant pre-arrest bail to the petitioner.

3. The case of the prosecution is that on 24.04.2016, the Prohibition & Excise Inspector, Stuvartpuram, raided the house of the 1<sup>st</sup> petitioner and seized 40 Kgs of black jaggery, 200 liters of fly ash water and 20 Kgs of Gallnuts. Basing on the seizure panchanama, Cr.No.43 of 2016-17 was registered against the 1<sup>st</sup> petitioner herein. On 27.05.2016, the Excise Officials once again visited Stuvartpuram village to arrest A1. The petitioners herein along with 20 other villagers prevented the Excise Officials from discharging their duties.

4. The petitioners herein filed Crl.M.P.No.1042 of 2017 on the file of the I Additional District and Sessions Judge, Guntur, under Section 438 Cr.P.C. seeking anticipatory bail and the same was dismissed on 05.06.2017.

5. The case of the prosecution is that the 1<sup>st</sup> petitioner herein was preparing I.D. liquor. It is the further case of the prosecution that when the Excise Officials went to Stuvartpuram village to arrest the 1<sup>st</sup> petitioner in Cr.No.43 of 2016-17, the petitioners herein along with others prevented them from discharging their duties. It is the further case of the prosecution that they man handled one woman constable. A perusal of the record *prima facie* reveals that the 1<sup>st</sup> petitioner is an accused in Cr.No.43 of 2016-17. The record further reveals the role played by the petitioners in the commission of offence. The record further reveals that there is a *prima facie* case against the petitioners.

6. Taking into consideration the nature of the offence alleged to have been committed by the petitioners and the stage of investigation, I am of the considered view that it is not a fit case to grant bail to the petitioners at this stage.

7. Accordingly, the Criminal Petition is dismissed.

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**T.SUNIL CHOWDARY, J**

**DATED: 11-10-2017.**  
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