

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.6664 of 2017

ORDER:

1 This Criminal Petition is filed, by the petitioners/A.1 and A.2, under Section 438 Cr.P.C., seeking anticipatory bail in P.C.O.R.No.953 of 2015-16 on the file of the Station House Officer, Prohibition & Excise Station Jadcharla, Mahabubnagar district registered for the offences punishable under Section 27 of the A.P.Excise Act and Section 8 (c) r/w Section 22 of the NDPS Act.

2 The learned counsel for the petitioners submitted that the Excise officials foisted a false case against the petitioners. He further submitted that the petitioners are not running any toddy shop.

3 *Per contra*, the learned Additional Public Prosecutor submitted that the petitioners are selling adulterated toddy in contravention of the terms and conditions of the licence, therefore, this is not a fit case to grant anticipatory bail to the petitioners.

4 A perusal of the record reveals that the petitioner No.2 is having a TFT shop in Kondareddypalli village. On 27.12.2015 at about 6.30 PM the Excise officials visited the shop of the petitioner No.2 and found the petitioner No.1 selling toddy. The Excise officials seized 46.8 liters of toddy and drew samples as per the procedure and registered a case under Section 27 of the A.P Excise Act. Subsequently, after receipt of the report from the forensic science laboratory, Section 8 (c) r/w Section 22 of the NDPS Act was added.

5 The petitioners filed CrI.M.P.Nos.109 of 2016 and 185 of 2016 under Section 438 Cr.P.C on the file of the Court of the I Additional District & Sessions Judge, Mahabubnagar and the same were dismissed on 18.03.2016 and 18.04.2016 respectively.

6 A perusal of the record prima facie reveals that the petitioners are selling toddy by mixing Alfrazolam to the customers in violation of the terms and conditions of the licence for unlawful gain. The record reveals that the investigation is in progress.

7 Taking into consideration the gravity of the offence alleged to have been committed by the petitioners, this court is of the considered view that this is not a fit case to grant anticipatory bail to the petitioners.

9 In the result, the petition is dismissed.

T.SUNIL CHOWDARY, J

Date: August 29, 2017

Kvsn

