

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION NO.1583 OF 2017

ORDER:

This Criminal Petition is filed under Section 438 of Cr.P.C to enlarge the petitioner/A.2 on bail in the event of his arrest in connection with Crime No.35 of 2017 of Prohibition and Excise Station, Ongole, registered for the offence punishable under Section 7 (A) read with 8 (e) of the A.P. Prohibition Act.

2. The case of the prosecution is that on 11.02.2017 at about 9:00 AM., on credible information, the Prohibition and Excise Inspector along with mediators conducted vehicle check at Ongole college by-pass junction. During the vehicle check, they found a male and female persons carrying white plastic can containing 10 litres of I.D. on a motorcycle Hero Honda Splender Plus bearing No.AP-27-AF-7701. On seeing the police, A.2 left the motor cycle and ran away from the place, however, A.1, who is wife of the A.2, was caught hold by the police. On interrogation, she disclosed their identity, seized the plastic can, drawn the sample of 180 ml from can for the purpose of chemical analysis and arrested A.1 under the cover of mediators' report.

3. The main contention of learned counsel for the petitioner is that the petitioner did not commit any offence and he was falsely implicated in this case by the Prohibition and Excise officials.

4. On the other hand, it is submitted by learned Public Prosecutor for the State of Andhra Pradesh that the petitioner is a habitual offender involved in similar offences in P.R.No.39 of 2016-2017 and 3 of 2017 of Darsi Prohibition & Excise Police, therefore, he cannot be enlarged on pre-arrest bail at this stage.

5. As seen from the mediators' report, the petitioner was the rider of the motorcycle Hero Honda Splender Plus and carrying a white plastic can containing 10 litres of I.D., whereas A.1 was sitting as a pillion rider. Therefore, the petitioner, being a rider of the motorcycle carrying 10 litres of I.D., in a white plastic can, is the prime accused. That part he is also accused in two other crimes earlier, thereby it appears that he is a habitual offender and in case he is enlarged on bail, there is every possibility of committing identical offences. Hence, I find no ground to enlarge the petitioner on bail.

6. In the result, the criminal petition is dismissed.

MARCH 07, 2017
YVL

M. SATYANARAYANA MURTHY, J



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Date:07.03.2017

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