

THE HON'BLE DR. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.11072 OF 2017

ORDER:

This petition is filed under Section 438 Cr.P.C. to grant anticipatory bail to the petitioner-A2 for the offence alleged under Section 8 (c) r/w 22 of N.D.P.S. Act.

2. Heard learned counsel for the petitioner-A2, learned Additional Public Prosecutor representing the State and perused the record.

3. Learned counsel for the petitioner-A2 would submit that the petitioner-A2 is not responsible for the alleged sale and seizure of sample of toddy from the possession of A1. He is falsely implicated in this case and ultimately, prayed to allow the application.

4. As per the material placed on record, on 19.04.2017, the Excise Officials have conducted raid in the shop of the petitioner-A2. At that time, A1 was found selling the toddy. Samples were drawn and sent to F.S.L. A report was received finding Alprazolam in the sample. In the course of inspection, on 14.03.2017, at about 2.15 P.M., the Excise Officials seized 156 litres of toddy under a cover of panchanama. The name of the petitioner-A2 is found in the F.I.R. Therefore, it cannot be said that the case of the prosecution is false. The allegations are grave. The matter requires thorough investigation.

5. Under these circumstances, it is not a fit case to grant bail to the petitioner-A2 under Section 438 Cr.P.C.

6. Accordingly, the Criminal Petition is dismissed.

DR.SHAMEEM AKTHER, J

DATED: 21-11-2017

Hsd