

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Criminal Petition No.11303 of 2017

ORDER:

This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973, is filed by the petitioner/accused No.2, for grant of anticipatory bail in the event of his arrest in Crime No.113 of 2017 on the file of the Robertson Police Station, Krishna District, registered for the offences punishable under Section 420 of I.P.C. and Section 7 of the Essential Commodities Act.

2. Heard the learned counsel for the petitioner/accused No.2, learned Additional Public Prosecutor representing the respondent-State and perused the record.

3. The learned counsel for the petitioner/accused No.2 would submit the petitioner/accused No.2 is innocent person and falsely implicated in the case and ultimately prayed to allow the application.

4. On the other hand, the learned Additional Public Prosecutor opposed the grant of bail to the petitioner/accused No.2.

5. The material on record reveals that the petitioner/accused No.2 is the owner of the van bearing registration No.AP 27 TW 0257. The said van was caught transporting PDS rice consisting in 50 bags, each bag weighing 50 Kgs. The same was seized under the cover of Panchanama in the presence of mediators on 26.09.2017 and the petitioner/accused No.2 is being prosecuted for the aforementioned offences.

6. As per the material on record, it cannot be said that the petitioner/accused No.2 was not transporting the PDS rice in the van belonging to him. The petitioner/accused has not produced any Waybill, Vouchers etc., to believe that the rice in question is not PDS rice or he has got any agricultural land to produce the same. Under these circumstances, it is not a fit case to allow the application under Section 438 of Cr.P.C.

7. Hence, the Criminal Petition is dismissed.

Miscellaneous petitions, if any, pending in this Criminal Petition, shall stand closed.

27th November, 2017
Bvv



Dr. SHAMEEM AKTHER, J