

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION No. 2763 OF 2018

ORDER:

This petition is filed, under Section 438 of the Code of Criminal Procedure, 1973, for grant of anticipatory bail to the petitioners-accused Nos. 1 and 2 in P.R.No. 52 of 2016-17 of Prohibition and Excise Station, Bapatla, Guntur District, registered for the offence punishable under Section 50-A of the Andhra Pradesh Excise Act, 1968.

2. Heard learned counsel for the petitioners and learned Public Prosecutor (A.P.).

3. The case of the prosecution is that on receipt of credible information about manufacture of illicitly distilled liquor, the Prohibition and Excise Inspector, Bapatla, along with his staff raided the house of petitioner No. 1; that due to fear of arrest, she fled away by scolding the excise officials in filthy language; that in the meantime, petitioner No. 2 reached the scene of offence along with 20 others and threatened the excise officials and when the officials tried to detain them, they escaped from the scene and since then, they are absconding and that the excise officials seized 40 kilograms of black jaggery, 200 litres of fly ash water and 20 kilograms of gallnuts.

4. Learned Public Prosecutor submits that the petitioners have been absconding from the date of offence and that the earlier bail petition of the petitioners was dismissed by this Court *vide* order dated 11-10-2017 in Criminal Petition No. 9284 of 2017 and thereafter, there are no changed circumstances either

in the investigation or no new material is produced to enable the Court to grant pre-arrest bail to the petitioners.

5. Grant of pre-arrest bail is not a matter of course or routine and such power can be exercised only in exceptional circumstances where the Court is satisfied that there are no grounds to convict the accused at the end of trial. In the case on hand, the petitioners have been successfully avoiding their arrest and absconding from the date of offence. After dismissal of earlier application, there are no changed circumstances or no new material is brought to the notice of this Court. Therefore, in successive application without any changed circumstances or producing any new material, pre-arrest bail cannot be granted. Therefore, I find that it is not a fit case to grant anticipatory bail to the petitioners as there are no changed circumstances after dismissal of the earlier bail petition.

6. The criminal petition is accordingly dismissed. Pending miscellaneous petitions if any shall stand dismissed in consequence.

M.SATYANARAYANA MURTHY, J.

20-03-2018.
JSK