

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No. 3781 OF 2018

ORDER:

This Criminal Petition is filed under Section 438 Cr.P.C. seeking to grant anticipatory bail to the petitioner-A.4 in P.R. No.4 of 2018 of Prohibition & Excise station, Duggirala, Guntur District registered for the offences punishable under Sections 34 (a) and 37 (a) of the A.P. Excise Act, 1968.

2. Heard the learned counsel for the petitioner-A.4, the learned Assistant Public Prosecutor and perused the material available on record.

3. The learned counsel for the petitioner-A.4 would submit that basing on the confession made by A.3, name of the petitioner-A.4 has been implicated; that the petitioner-A.4 has nothing to do with the alleged offence; that the allegations made against him do not *prima facie* constitute the offences alleged; that the petitioner-A.4 is ready to co-operate with the investigating officer and ultimately, prayed to allow the application.

4. On the other hand, the learned Additional Public Prosecutor appearing for the respondent-State opposed the grant of bail to the petitioner-A.4 under Section 438 Cr.P.C.

5. In view of the contentions put forth by both sides, the point for determination is whether the petitioner-A.4 can be granted bail under Section 438 Cr.P.C.?

6. The application filed by the petitioner-A.4 seeking anticipatory bail was dismissed by the learned XI Additional Sessions Judge, Guntur at Tenali vide order dated 20.03.2018 in CrI.M.P. No.397 of 2018. In the course of

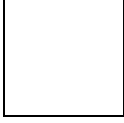
submissions of the learned Assistant Public Prosecutor, it is brought to the notice of this Court that the excise officials searched the premises of the petitioner-A.4 and in the backside of the premises, they found fake caps of (i) Seagram's imperial blue 300; (ii) Mc. Dowells No.1 Sprit of Brotherhood 300, and in total 600 fake caps and the same were seized from that place under cover of panchanama on 02.03.2018. Further, there is also confession of A.3-Munaga Venkata Sesharao that fake caps were sold to so many persons by petitioner-A.4 with regard to preparation and adulteration of cheap liquor. Whether allegations made do constitute the offences punishable under Sections 34 (a) and 37 (1) of the A.P. Excise Act, 1968 or not, would only be established after a detailed investigation. The crime is still at investigation stage. Therefore, it is not appropriate to hold that the provisions of Section 34 (a) of the Act have no application. The learned Sessions Judge relied upon number of decisions and held that the petitioner-A.4 has not made out a case for grant of anticipatory bail. The allegations are grave and serious in nature. It has great ramifications over the health of the people living in the vicinity where the petitioner-A.4 is residing. Under these circumstances, the petitioner-A.4 is not entitled to bail under Section 438 Cr.P.C. The Criminal Petition is devoid of merit and liable to be dismissed.

7. In the result, the Criminal Petition is dismissed.

Dr. SHAMEEM AKTHER, J

16.4.2018
DRK

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CrI.P. No. 3781 OF 2018

16.4.2018

DRK