

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.6740 of 2018

ORDER :

The petitioner is A.2 among more than two accused of Crime No.148 of 2018 of Station House Officer, Dachepalli Police Station, Guntur District, registered for the offences punishable under Section 420 IPC and Section 7 of the Essential Commodities Act, 1955. The petitioner is seeking anticipatory bail.

2. The alleged offence was dated 17.06.2018. It is involving more than 400 bags of PDS rice of 40 kgs. each found in one lorry bearing No.AP 07 TF 4448 that was intercepted and seized the said PDS rice, leave about further PDS rice from the other vehicle.

3. The contentions in the anticipatory bail application of the petitioner are that he is innocent and falsely implicated and Section 7 of the Essential Commodities Act is a bailable one and there is no application of the offence under Section 420 IPC and he cannot be implemented bears on the alleged confession of co-accused, which is a political out come, hence, entitled to the concession of anticipatory bail, though the Court otherwise chosen to consider.

4. Learned Public Prosecutor opposed the bail application and saying the petitioner is not entitled to the concession of anticipatory bail including under the guise of health grounds as the jail authorities are bound to the refer to him if at all any health problem to government hospital for necessary treatment.

5. A perusal of the case diary shows he is involved in more than 11 cases with such *modus operandi* viz., Cr.Nos.139, 198 and 213 of 2017, which are presently pending for similar offences, leave about acquitted in five more crimes viz., Cr.No.152 of 2013, 176 of 2103, 23 of 2014, 24 of 2014 and 5 of 2015 all that of Dachepalli Police Station, besides three more crimes one under investigation, one pending trial and other acquitted respectively of Cr.No.179 of 2017 of Mattampalli Police Station, Cr.Nos.243 and 247 of 2015 of Piduguralla Police Station.

6. Having regard to the above, the petitioner is not entitled to the concession of anticipatory bail. However, it is not a bar, if at all to surrender and move for regular bail decide on own merits

7. Accordingly, the criminal petition is dismissed.

Miscellaneous petitions pending, if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

20th July 2018.

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