

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Criminal Petition No.1304 of 2019

ORDER:

This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973, is filed by the petitioner/A.2, for grant of anticipatory bail in Crime No.230 of 2018 of Prohibition and Excise Station, Musheerabad, Hyderabad District, registered for the offences punishable under Sections 8(c) read with 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985, read with 37(a), 37(i), 36(1)(i) of A.P.Excise Act, 1968, read with Licence Condition No.2 in Form T.S.1 and Rule 16 of the A.P.Excise (Grant of Licence to sell Toddy, Conditions of Licence and Tapping of Excise Trees) Rules, 2007.

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

3. The learned counsel for the petitioner/A.2 would contend that the name of the petitioner/A.2 is not found in the First Information Report. The name of one Ch.Srisailam is found, who is the President of the Society and responsible for the sale of toddy. This petitioner/A.2 is in no way connected with the sale of toddy and falsely implicated in this case and ultimately prayed to allow the application.

4. The learned Additional Public Prosecutor opposed for grant of anticipatory bail to the petitioner/A.2.

5. As per the First Information Report, on 20.11.2018, when a surprise inspection was conducted by the authorities concerned at the toddy shop belonging to A.1 and the Society, adulteration of toddy was suspected. Samples were drawn and sent to the Forensic Science Laboratory for examination and report. A report, dated 14.12.2018, was received stating that the toddy was adulterated with Alprazolam. In the course of investigation, it has come up that Ch.Srisailam, who is figured as A.2 in the First Information Report, had resigned to the post of President of the Society before the surprise inspection, in order to contest in Gram Panchayat election. There is also record to show that his resignation was accepted. After his resignation, the petitioner/A.2, being the Vice President of the Society, was managing the subject toddy shop and A.1 was found at the scene of offence selling adulterated toddy. As per the records, this petitioner/A.2 is responsible for the sale of adulterated toddy through the disputed shop. The allegations are grave and specific against the petitioner/A.2. Non-mentioning of the name of the petitioner/A.2 in the First Information Report cannot be a ground to allow this application. The matter requires thorough investigation. Under these circumstances, this application is devoid of merit and is liable to be dismissed.

6. Hence, the Criminal Petition is dismissed.

Pending miscellaneous petitions, if any, shall stand closed.

Dr. SHAMEEM AKTHER, J

20th March, 2019
Bvv