

THE HON'BLE JUSTICE G.SRI DEVI

Criminal Petition No.3028 of 2019

ORDER:

This Criminal Petition under Section 438 of the Code of Criminal Procedure, 1973, is filed by the petitioners/A.4 and A.5 seeking grant of bail in the event of their arrest in crime No.103 of 2019 of Prohibition & Excise Station Malkajgiri, Medchal-Malkajgiri District, registered for the offence punishable under Section 34 (a) of A.P. Excise Act.

Heard the learned counsel for the petitioners/A.4 and A.5, the learned Additional Public Prosecutor representing the respondent-State and perused the record.

According to the prosecution case, on 08.05.2019 at 6.30 a.m., the Sub-Inspector, Prohibition & Excise Malkajgiri Station, conducted a route watch in front of Mahaveer Mithai Bandar, Lothukunta, Alwal, wherein he seized 12 plastic bags containing 30 kgs of Chloral Hydrate, total 360 kgs, and one Maruthi Zen car from the possession of A.1 to A.3. Police drawn samples from each bag containing 50 grams under cover of panchanama.

It has been submitted that the bags were recovered from the possession of A.1 to A.3 only and the present petitioners never committed the offence as alleged by the prosecution. Petitioners are innocents and nothing to do with the alleged offence. Petitioners are implicated only on the basis of confessional statement made by accused No.1.

Per contra, learned Additional Public Prosecutor opposed the bail application and contended that the material i.e. Chloral Hydrate, which was recovered from the possession of A.1 to A.3,

was supplied by the petitioners herein. Hence, they are not entitled for anticipatory bail.

Looking into the nature of allegations levelled against the petitioners, gravity of offence alleged against them and considering the facts and circumstances of the case, I am not inclined to grant anticipatory bail to the petitioners/A.4 and A.5. However, if the petitioners surrender before the competent Court within a period of fifteen days from today and applies for regular bail, the same shall be considered by the said Court on the same day, in accordance with law.

With the above direction, the Criminal Petition is disposed of.

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

19th June, 2019
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JUSTICE G.SRI DEVI

