

HON'BLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.3233 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 the event of his arrest in Crime No.10 of 2017 of Kotepally Police Station, Ranga Reddy District, registered for the offences punishable under Sections 186 and 290 of IPC, Section 34-A of A.P. Excise Act, 1968 and Section 8(C) r/w. Section 22 of Narcotic Drugs and Psychotropic Substances Act, 1985.

The case of the prosecution is that, on 04.07.2017 at about 20.00 hours, on a credible information about running of illegal toddy shop in Annaram Village, the investigating agency raided H.No.12-74, Annasagar Village of Kotepally Mandal, and found ten (10) toddy bottles and on enquiry, they came to know that A.1 along with the petitioner/A.2 was doing the business of illegal sale of toddy and the alleged contraband was seized under the cover of panchanama, that the petitioner has been causing nuisance and escaped from the scene of offence. Basing on the seizure panchanama, the police have registered a case in Crime No.10 of 2017 for the aforesaid offences against A.1 and the petitioner/A.2. Hence the present Criminal Petition.

Heard learned counsel for the petitioner/A.2 and the learned Additional Public Prosecutor appearing for the respondent State. Perused the material on record.

Learned counsel for the petitioner/A.2 contends that the petitioner never committed any offence as alleged and he is innocent and nothing to do with the alleged offences. It is also contended that the petitioner was falsely implicated in the above crime by the Excise officials for statistical purpose only on the basis of confessional statement made by A.1. It is also contended that A.1, who is the main accused in the above crime, has already been released on bail by the Court below, as the contraband seized is below the commercial quantity. It is also contended that the petitioner is ready to abide by any conditions imposed by this Court, including assisting the investigating agency for his release on anticipatory bail in the event of his arrest in the above crime.

On the other hand, the learned Additional Public Prosecutor opposed the relief sought in the above petition and contended that in view of seizure of the alleged contraband from the possession of the petitioner, he is not entitled for grant of anticipatory bail.

In view of serious nature of allegations made against the petitioner/A.2 and taking into consideration the gravity of offence alleged against him, since the offence alleged against the petitioner is triable by the Magistrate, I am not inclined to grant anticipatory bail to the petitioner/A.2. However, the

petitioner/A.2 is directed to surrender before the learned Judicial Magistrate of First Class at Vikarabad and move an application for regular bail, after giving prior notice to the Public Prosecutor concerned and, in which event, the said bail application shall be considered on the same day itself on such terms as the said Court deems fit and proper.

Accordingly, the Criminal Petition is dismissed.

As a sequel, miscellaneous petitions pending, if any, shall stand closed.

26.06.2019.
Msr

JUSTICE G. SRI DEVI



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26.06.2016
Msr