

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

THURSDAY, THE EIGHTH DAY OF APRIL
TWO THOUSAND AND TWENTY ONE

:PRESENT:

**THE HONOURABLE JUSTICE G SRI DEVI
CRIMINAL PETITION NO: 2511 OF 2021**

Between:

Gundagani Uppalaiah, S/o. Sathaiah,

Petitioner/Accused

AND

The State of Telangana, Rep. by the Public Prosecutor, High Court at Hyderabad. (Station House Officer, Prohibition and Excise Station, Thorrur)

Respondent/Complainant

Petition under Section 439 of Cr.P.C, praying that in the circumstances stated in the grounds filed in support of the Criminal Petition, the High Court may be pleased to release the Petitioner/Accused on bail in orders vide Cr.No. B/273/2021, dated 04-03-2021 passed by the Tahsildar and Mandal Executive Magistrate, Maripeda. Mahabubabad District (erstwhile Warangal District).

The petition coming on for hearing, upon perusing the Petition and the grounds filed in support thereof and upon hearing the arguments of SRI S CHANDRA SEKHAR Advocate for the Petitioner and the Assistant PUBLIC PROSECUTOR for the Respondent, the Court made the following.

ORDER

HONOURABLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.2511 of 2021

ORDER:

The petitioner/accused filed the present Criminal Petition under Section 439 of the Code of Criminal Procedure, seeking to grant bail to him in COR.No.340/2020 dated 04.11.2020 of P.S. Prohibition & Excise Station, Maripeda, Mahabubabad District, registered for the offence punishable under Section 7(A) of the Prohibition Act, 1995 and Section 34(e) of the AP Excise Act, 1968.

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

3. The allegation against the petitioner/accused is that on 04.11.2020 the petitioner was found in possession of 2 litres of illicit distilled liquor and a case was registered against him and he was arrested. The petitioner was issued a notice vide MC.No.B/777/2020 dated 18.12.2020 and an opportunity was given to him to pay a sum of Rs.1,00,000/-, as agreed by him in the bond, within one week from the date of serving of that order, but he did not pay the amount within time and the Tahsildar and Mandal Executive Magistrate at Maripeda Mandal directed the SHO to produce the petitioner before the authority as he failed to comply with the order dated 18.12.2020 and issued a warrant of commitment on failure to find security for good behaviour under Section 122 Cr.P.C. dated 04.03.2021.

4. Learned Assistant Public Prosecutor opposed to grant bail to the petitioner/accused.

5. Learned counsel for the petitioner/accused submits that the petitioner is eking his livelihood by working as coolie and he is no way concerned with the alleged offence and the Prohibition and Excise police have falsely

implicated him in this case. Hence, it is prayed to consider the petitioner's application for bail.

6. Looking into the facts and circumstances of the case, I am inclined to grant bail to the petitioner/accused.

7. The Criminal Petition is allowed and the petitioner/accused shall be released on bail on the following terms and conditions:

- (i) That the petitioner/accused shall execute a personal bond for Rs.10,000/- (Rupees ten thousand only) with one surety for a like sum to the satisfaction of the Tahsildar & Mandal Executive Magistrate, Maripeda;
- (ii) That the petitioner/accused shall not indulge in similar type of activities in future and if it is found that he is indulged in similar type of activities in future, the liberty granted to him shall automatically stand cancelled and he would be taken into custody forthwith.
- (iii) that the petitioner/accused shall not tamper with the prosecution witnesses;
- (iv) that the petitioner/accused shall co-operate with the investigating agency.
- (v) that the petitioner/accused shall not misuse the liberty granted to him.
- (vi) that the petitioner/accused shall appear before the Court concerned personally on each date of hearing till conclusion of trial.

Miscellaneous applications pending, if any, shall stand closed.

Sd/- M. MANJULA
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Tahsildar & Mandal Executive Magistrate, Maripeda, Mahabubabad District.
2. The Superintended Central Jail, Warangal.
3. The Station House Officer, Prohibition and Excise Station, Maripeda, Mahabubabad District.
4. One CC to SRI. S CHANDRA SEKHAR Advocate [OPUC]
5. Two CC to PUBLIC PROSECUTOR, High Court at Hyderabad. [OUT]
6. One spare Copy

HIGH COURT

GSDJ



DATED:08/04/2021

ORDER

CRLP.No.2511 of 2021

BAIL