

THE HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION NO. 1591 of 2022

ORDER:

This Criminal Petition under Section 438 Cr.P.C. is filed by petitioner/accused seeking bail in the event of his arrest in connection with P.R.No.84 of 2021 on the file of Prohibition & Excise Station, Utnoor, Adilabad District, registered for the offences punishable under Section 8(b), r/w/20(a) of Narcotic Drugs and Psychotropic Substances Act, 1985.

2. Earlier, when the case came up for hearing before this Court, this Court found that there were lapses in the preparation of 'panchanama' and also found that the details of the land, ownership, survey number etc. were not mentioned to implicate the petitioner. Having found these lapses, this Court was pleased to direct the Investigating Officer to file a report regarding lapses.

3. Thereafter, the Prohibition and Excise Superintendent filed an affidavit stating that though this

Court ordered to file counter, he could not file it in time and sought apology; that he further mentioned in the affidavit that on 24.10.2021 a search was conducted pursuant to which the investigation is in progress.

4. As seen from the affidavit dated 15.03.2022, the Prohibition and Excise Superintendent, Adilabad District, has not given any details to connect the accused with the crime about land, ownership and survey number etc.

5. In the said circumstances, this Court has no other option but to grant relief sought for.

6. Learned Additional Public Prosecutor submits that non-mentioning of survey number and other details is for the reasons of there being no provision in Cr.P.C, wherein the Investigating Officer can communicate the details collected during investigation to the concerned Court.

7. Needless to say that the Police officers can always file Interim reports if so required or called for by the concerned courts.

8. As seen from the affidavit, though nearly five months have elapsed by the time counter is filed, yet details of the land to connect the petitioner are not provided.

9. In the said circumstances, the petitioner can be granted anticipatory bail.

10. The Criminal Petition is accordingly allowed and the petitioner/accused is granted anticipatory bail subject to the following terms and conditions:

(1) The petitioner/accused is directed to surrender before the Station House Officer, Prohibition & Excise Station, Utnoor, Adilabad District, and on such surrender, the said Station House Officer shall release the petitioner/accused on bail on his executing a personal bond to the tune of Rs.25,000/- (Rupees twenty five thousand only) with two sureties to the like sum each to his satisfaction.

(2) The petitioner/accused shall abide by the other conditions stipulated in Section 438(2) Cr.P.C and co-operate with the Investigating Officer in investigating the case.

Miscellaneous applications, if any pending in this criminal petition, shall stand closed. deficiencies

Date :13.04.2022
tk/trr

K.SURENDER,J

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Dt.13.04.2022

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