

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No. 1968 OF 2022

O R D E R:

This Criminal Petition under Section 438 Cr.P.C. is filed by the petitioner – Accused No. 1 seeking bail in the event of his arrest in connection with Crime No. 75 of 2022 on the file of Abdullapurmet Police Station, registered for the offences punishable under Sections 188, 272, 273, 328 read with Section 511 IPC. and Section 20(2) of COTPA.

2. The case of the prosecution is that on 16.02.2022, at about 08.30 hours, on receipt of information about illegal transportation and selling of banned tobacco products by unknown persons in Toyota Innova Car near ORR Pedda Amberpet, the de facto complainant, who is Sub-Inspector of Police along with staff rushed to the spot. At about 09.00 hours, the police found the vehicle bearing Registration No. AP 29 AU 6497 with banned tobacco products in the vehicle and Accused No.1 to 3. It is stated that Accused No.1 is absconded and Accused Nos. 2 and 3 were apprehended. They confessed that as per the instructions of Accused No.1, they went to Bidar and loaded tobacco products in the vehicle and proceeding to Khammam to sell the noxious food. The police seized Amber Tobacco – 24 bags, Toyota Innova , Redmi Note 10 S Mobile phone from the possession of Accused No.2 and Vivo V15 Mobile phone, Oppo A31 Mobile Phone, net

cash of Rs1020/- from the possession of Accused No.3 under the cover of confession-cum-seizure panchanama.

3. Learned counsel for the petitioner Ms. C. Sunitha Kumari submits that this Court in Criminal Petition No. 152 of 2020 and batch, quashed the complaint observing that the offences under the IPC. are not attracted, in spite of the same, the police are registering the cases. She further submits that as the petitioner apprehends arrest, his case may be considered for grant of pre-arrest bail.

4. Learned Assistant Public Prosecutor also does not dispute the fact that this Court has quashed the cases holding that the offences under the IPC. are not attracted.

5. Taking into consideration the order passed by this Court in Criminal Petition No. 152 of 2020 and batch, this Court deems it appropriate to grant pre-arrest bail to the petitioner.

6. The Criminal Petition is therefore, allowed. Petitioner – Accused No.1 shall surrender before the Station House Officer, Abdullapurmet Police Station in connection with Crime No. 75 of 2022 within one week from today and on such surrender and executing a personal bond for Rs. 20,000/- (Rupees twenty thousand only) with two sureties for a like sum each to the satisfaction of the said Station

House Officer, he shall be released on bail. It is made clear that no further extension of time will be granted.

LALITHA KANNEGANTI, J

10th March 2022

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