

THE HON'BLE SMT. JUSTICE JUVVADI SRIDEVI

CRIMINAL PETITION No.4386 of 2022

ORDER:

This Criminal Petition under Sections 437 and 439 Cr.P.C. is filed by the petitioners – Accused Nos.2 and 3 in Crime No.241 of 2022 on the file of Ghatkeshwar Police Station, Rachakonda, registered for the offences punishable under Sections 188, 272, 273, 328 read with Section 511 of I.P.C., and Section 20 (2) of the Cigarettes and Other Tobacco Products Act, 2003, seeking bail.

2. The case of the prosecution is that on 01.04.2022, at about 11.00 hours, on receipt of information about illegal transportation and selling of banned tobacco products by unknown persons in a vehicle, the *de facto* complainant, who is Sub-Inspector of Police along with staff secured mediators and conducted vehicle checking at ORR Tollgate and found one Xylo Car bearing Registration No.TS 07 UC 9638 containing banned tobacco products in the vehicle along with Accused Nos.2 and 3. It is stated that Accused Nos.2 and 3 were apprehended and they confessed that as per the instructions of Accused No.1, they were transporting the Gutka and Tobacco products from Karnataka to various places of Telangana. The Police seized 18 bags (each bag containing 100X25=2500 pouches), Xylo Car bearing No.TS 07 UC 9638 and Mobile

Phones from the possession of Accused Nos.2 and 3 under the cover of confession-cum-seizure panchanama.

3. Learned counsel for the petitioners Sri R.Prasad submits that this Court in Criminal Petition No.152 of 2020 and batch, quashed the complaint observing that the offences under the I.P.C., are not attracted, in spite of the same, the Police are registering the cases. He further submits that the petitioners were arrested and remanded to judicial custody on 02-04-2022. He further submits that entire investigation is completed except filing of the charge sheet and hence, their case may be considered for grant of 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 I.P.C. 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 bail to the petitioners.

6. The Criminal Petition is therefore, allowed. Petitioners – Accused Nos.2 and 3 shall be enlarged on bail in Crime No.241 of 2022 on the file of Ghatkeshwar Police Station, Rachakonda, on their executing personal bonds for a sum of Rs.20,000/- (Rupees Twenty Thousand only) each with two sureties for a like sum each to the satisfaction of the IV

Additional Metropolitan Magistrate, Cyberabad, at L.B.Nagar, Ranga
Reddy District.

JUVVADI SRIDEVI, J

Date: 19.05.2022

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