

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION No.5077 OF 2022****ORDER:**

This Criminal Petition is filed under Section 438 of the Code of Criminal Procedure, 1973 seeking pre-arrest bail to the petitioner, who is arrayed as Accused No.1 in the event of his arrest in PCOR No.984/13-14 on the file of Prohibition and Excise Station, Kodangal registered for the offence punishable under Section 8(c) read with Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. Heard the learned counsel for the petitioner and learned Assistant Public Prosecutor for the respondent-State. Perused the record.

3. The case of the prosecution is that on 10.10.2013 Prohibition and Excise personnel of Mahaboobnagar raided the premises of Accused No.2 who was running toddy shop under a valid license. At the time of search the personnel found some toddy bottles and suspecting that said toddy would have been adulterated, the samples were drawn and sent for the purpose of analysis.

Meanwhile the petitioner who was working in the said shop was let off on personal bond which is recorded in the panchanama dated 10.10.2013. After the said sample was analyzed it was found that the said toddy was adulterated with Alprazolam. On the said basis, the license of Accused No.2 was suspended, after issuing a show cause notice for cancellation.

4. Learned counsel for the petitioner submits that he was working under Accused No.2 in whose name the license stands for selling toddy and in fact after he was found in the said premises, they had let him off by taking a personal bond. However, after seven years they have not completed investigation and now trying to apprehend this petitioner.

5. As seen from the panchanama, the excise personnel had taken samples and let off this petitioner who even according to the excise personnel had no nowkarnama. The case is of the year 2013 and the entire investigation appears to have been completed. In the said circumstances, the detention of this petitioner would not be necessary in the facts of the present case, as such, this petitioner can be granted the relief of anticipatory bail.

6. Accordingly, the Criminal Petition is allowed and the petitioner/Accused shall be enlarged on bail in the event of his arrest subject to the following conditions:

i) The petitioner/Accused No.1 is directed to surrender before the Prohibition and Excise Station, Kodangal within ten (10) days from today, and on such surrender, he shall be enlarged on bail on his executing a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties to the like sum each, to its satisfaction.

ii) The petitioner/Accused No.1 shall appear before the investigating authorities as and when required.

iii) The petitioner/Accused shall abide by the other conditions stipulated in Section 438(2) Cr.P.C.

7. As a sequel thereto, miscellaneous applications, if any pending, shall stand closed.

K.SURENDER, J

Date: 27.06.2022
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