

HON'BLE Dr.JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.1239 of 2023

ORDER:

1. Heard the submission of Sri K. Krishna Kalyan, learned counsel who argued on behalf of Sri K. Venu Madhav, learned counsel on record for the petitioner, as well as the learned Additional Public Prosecutor who is representing the respondent-State.

2. Seeking pre-arrest bail, the petitioner, who is arrayed as Accused No.2 in C.O.R.No.385 of 2015-16 of Prohibition and Excise Station, Nagarkurnool, is before this Court.

3. Making his submission, learned counsel for the petitioner submits that though the case was registered way back in the year 2015, no final report is filed till now, which itself goes to show that no case is made out against the petitioner and therefore, anticipatory bail may be granted.

4. Per contra, the submission of learned Additional Public Prosecutor is that police seized toddy which was adulterated with Alprazolam. Learned Additional Public

Prosecutor also states that accused No.1 was arrested and was later enlarged on bail. However, learned Additional Public Prosecutor failed to state as to why no final report is filed till now. The requirement of arrest of the petitioner is nowhere indicated.

5. Having considered the submissions made and as nothing is brought on record as to why there is requirement of arrest of the petitioner and for remanding him to judicial custody, this Court considers desirable to honour the request of the petitioner, however conditionally.

6. In the result, the Criminal Petition is allowed with the following conditions:

- (i) The petitioner/Accused No.2 is directed to surrender before the concerned Court within ten (10) days. On such surrender, he shall be enlarged on bail on his executing a personal bond for Rs.30,000/- (Rupees Thirty Thousand only) with two sureties for like-sum each to the satisfaction of the Court concerned. The sureties are directed to submit their two latest passport size photographs at the time of furnishing solvency. One such photograph is ordered to be pasted in the Surety Register against the name of

the surety. The other photograph shall be kept in the case record concerned.

- (ii) The petitioner/Accused No.2 shall report before the Station House Officer, Prohibition and Excise Station, Nagarkurnool on every Monday between 10.30 a.m. and 12:00 p.m. till filing of final report.
- (iii) The petitioner/Accused No.2 should not involve in any unlawful activity.
- (iv) The petitioner/Accused No.2 should afford all assistance for the proper investigation of the case.
- (v) The petitioner/Accused No.2 should not cause the evidence of the offence disappear.
- (vi) The petitioner/Accused No.2 should not tamper with the evidence in any manner.
- (vii) The petitioner/Accused No.2 should not by way of inducement, threat or promise, dissuade any person who is acquainted with the facts of the case, from disclosing such facts to the Court or to the Police Officer.
- (viii) In case the petitioner/Accused No.2 holds a passport, he shall surrender the same.
- (ix) The petitioner/Accused No.2 should ensure his presence whenever required by the Court or Police.
- (x) The petitioner/Accused No.2 shall not leave India without previous permission of the Court concerned.

(xi) The petitioner/Accused No.2 shall file an affidavit before the Court concerned disclosing the following particulars:-

- (1) Contact number
- (2) Mail address
- (3) Residential particulars.

In case, there is any change of the aforementioned details, the petitioner shall intimate the court concerned by giving a fresh affidavit duly mentioning the change. He shall continue to do so till filing of the final report.

Any deviation of the above conditions would entitle the respondent to take appropriate steps for cancellation of the pre-arrest bail granted.

Dr. JUSTICE CHILLAKUR SUMALATHA

Date: 14.02.2023
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