

THE HONOURABLE SRI JUSTICE M.LAXMAN

CRIMINAL PETITION No.4740 OF 2023

ORDER:

This Criminal Petition is filed under Section 438 of Cr.P.C., seeking pre-arrest bail to the petitioner/sole accused in the event of his arrest in connection with C.O.R.No.61 of 2023 of Prohibition and Excise Station, Adilabad District, registered for the offence punishable under Section 37(A) of Telangana State Excise Act, 1968.

2. The allegation of the prosecution against the petitioner is that on 17.04.2023 when the Excise Officials are checking on the border, the accused was found to be transporting 72 bottles of Indian made liquor from Maharashtra and he purchased said bottles in Maharashtra at lesser price and transporting the same to Adilabad District to sell at higher price.

3. Heard learned counsel for the petitioner and learned Additional Public Prosecutor representing the respondent-State. Perused the record.

4. Learned counsel for the petitioner submitted that a false case has been foisted against the petitioner under Section 37(A) of Telangana State Excise Act and the said Section of law do not

attract to the allegations and prays for grant of anticipatory bail to the petitioner.

5. Learned Additional Public Prosecutor stated that Section 37(A) of Telangana State Excise Act would apply only in a case where death occurred as a result of consumption of adulterated liquor.

6. As seen from the material available on record, the allegation against the petitioner is only with regard to the transportation of Indian made liquor manufactured in neighbouring state Maharashtra to Adilabad District in order to sell the same at higher price. The offence under Section 34(a) of Telangana State Excise Act, would only be applicable to the facts of the case and the punishment for the said offence is imprisonment for a term which shall not be less than six months but which may extend up to three years and with fine which shall not be less than rupees five thousand but which may extend up to rupees twenty thousand. Since the seizure was already affected, the arrest of the petitioner and his custodial interrogation is not required.

7. In the said circumstances, the request of the petitioner can be considered on the following conditions:-

- i) The petitioner/accused is directed to surrender before the Court concerned, within two weeks from the date of receipt of a copy of this order. On such surrender, he shall be enlarged on bail, on his executing a personal bond for a sum of Rs.45,000/- (Rupees Forty Five Thousand only) with two sureties in a like sum each to the satisfaction of the Court concerned.
 - ii) On such release, the petitioner/accused shall appear before the concerned Station House Officer on every Monday and Saturday between 10.00 A.M. and 05.00 P.M, for a period of six months.
 - iii) In case, the petitioner/accused hold passport, he is directed to surrender the same before the Court concerned.
 - iv) The petitioner/accused shall abide by the other conditions stipulated in Section 438(2) of Cr.P.C and shall co-operate with the Investigating Officer in investigating the case.
8. Accordingly, the Criminal Petition is allowed.

M.LAXMAN, J

25th May, 2023.
svl/ms

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Date:25.05.2023

svl/ms