

THE HONOURABLE SRI JUSTICE M. LAXMAN

CRIMINAL PETITION No. 5089 OF 2023

ORDER:

1. This petition is filed seeking to grant anticipatory bail under Section 438 of Criminal Procedure Code, 1973 (Cr.P.C). The petitioners are accused Nos.1 and 2 in Crime and Occurrence Report No.91 of 2023 of Prohibition and Excise Station, Adilabad District. The offence alleged against the petitioners is under Section 37(A) of Telangana State Excise Act, 1968 (the Act).
2. The sum and substance of case of the prosecution is that the Excise officials on raid, came to know that the accused Nos.1 and 2 allegedly selling Deshi Daru, which was brought from Maharastra State. On seeing the officials, accused Nos.1 and 2 ran away. On verification with neighbours, they informed that accused Nos.1 and 2 are selling such Deshi Daru. The officials seized 96 bottles of Deshi Daru each containing 180 ML.
3. Heard learned counsel for petitioners/accused Nos.1 and 2 and learned Additional Public Prosecutor.

4. The panchanama shows that seizure was done near the house of petitioners/accused Nos.1 and 2 and not in the house of petitioners. Further, the names of the petitioners were referred in the seizure report as the owners of seized Deshi Daru, on verification with neighbours. No statements of neighbours were recorded. The offence punishable against the petitioners/accused Nos.1 and 2 is under Section 34 (a) of the Act and not 37 (a) of the Act. In the said circumstances, the request of petitioners/ accused Nos.1 and 2 can be considered.

6. Accordingly, the Criminal Petition is allowed on the following terms and conditions:

- (i) The petitioners/accused Nos.1 and 2 shall be released on bail on their executing a personal bond for Rs.20,000/- (Rupees ten thousand only) each with two sureties for a like sum each to the satisfaction of the Prohibition and Excise Station, Adilabad District.
- (ii) The petitioners/accused Nos.1 and 2 shall appear before the Prohibition and Excise Station, Adilabad District on every Saturday between 10.00 am and 05.00 pm, for three months.

- (iii) The petitioners/accused Nos.1 and 2 shall abide by the other conditions stipulated in Section 438 (2) Cr.P.C and co-operate with the Investigating Officer in investigating the case.

JUSTICE M. LAXMAN

19.06.2023
pld/ms

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