

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION NO.10467 OF 2023

ORDER:

1. This Criminal Petition is filed under Section 438 of Cr.P.C. by the petitioner - accused No.2 seeking anticipatory bail in the event of his arrest in connection with COR No.56 of 2023 on the file of Prohibition and Excise, Bellampally Police Station. The offence alleged against the petitioner is under Section 34(e) of the T.S.Excise Act, 1968.

2. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for respondent No.1 - State and perused the record.

3. Briefly, facts of the case are that the Prohibition and Excise Personnel raided the premises of the accused and found that the Black Jaggery and Alum were used by the accused to prepare ID liquor.

4. The allegation against the petitioner is that he had sold the Black Jaggery and Alum.

5. Keeping in view that selling of Black Jaggery and Alum is not an offence and it is not the case that this petitioner was involved in preparing the ID liquor, the relief of anticipatory bail can be considered.

6. Accordingly, this Criminal Petition is allowed and the petitioner – accused No.2 shall be enlarged on bail in the event of his arrest subject to the following conditions:

i) The petitioner - accused No.2 is directed to surrender before the Station House Officer, Prohibition and Excise, Bellampally Police Station, on or before 30.10.2023. On such surrender, the said Station House Officer shall release the petitioner on bail, on his executing personal bond for a sum of Rs.20,000/- (Rupees Twenty Thousand only) with two sureties for a like sum each to his satisfaction.

ii) On such release, the petitioner – accused No.2 shall appear before the concerned police on every Monday between 10.30 AM and 01.00 PM for a period of four (04) weeks for the purpose of investigation and thereafter, as and when required.

iii) Further, the petitioner- accused No.2 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.

Miscellaneous applications, if any pending in this criminal petition, shall stand closed.

JUSTICE K.SURENDER

Date: 19.10.2023
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