

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No.11222 OF 2023

O R D E R:

1. This Criminal Petition is filed under Section 482 of Cr.P.C. by the petitioners to grant anticipatory bail to them in the event of their arrest in F.I.R.No.387 of 2023 on the file of the Chatrinaka Police Station, Hyderabad, registered for the offence punishable under Section 37(A) of TS Excise Act, 1968.

2. Heard learned counsel for the petitioners and Sri S. Ganesh, learned Assistant Public Prosecutor for the respondent-State and perused the record.

3. The facts of the case are that on 02.11.2023, the Sub-Inspector of Police raided the licensed premise of the petitioners, where toddy was found.

4. Learned Assistant Public Prosecutor vehemently opposed to grant any kind of relief to the petitioners.

5. The samples were seized and a mention was made that the toddy found was adulterated. However, it is not stated as to what adulteration meant. Unless such adulteration is certified by a qualified lab, it does not amount to adulteration. It is for the police personnel or the concerned to conduct spot test to

ascertain that there is any kind of prohibited drug that was mixed with the toddy.

6. On perusal of the complaint, it does not reveal as to what the alleged adulteration meant.

7. In the said circumstances, when the samples are already sent to Forensic Science Laboratory for analysis and report; and also since it is only alleged that toddy was adulterated and there is no description as to with what material the toddy was adulterated, this Court deems it appropriate to grant the relief of anticipatory bail to the petitioners, subject to the following conditions:

- 1) The petitioners are directed to surrender before the Station House Officer, PS, Chatrinaka Police Station, Hyderabad District, within one week. Upon such surrender, the said Station House Officer shall release the petitioners on bail, on their executing personal bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) each with two sureties for a like sum each to his satisfaction.
- 2) On such release, the petitioners shall appear before the concerned police on every Monday at 10am for a period of eight (08) weeks and thereafter, as and when required for the purpose of investigation.
- 3) The petitioners 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.

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

Date : 17.11.2023
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K.SURENDER, J

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Dt.17.11.2023

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