

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No.11213 OF 2023

O R D E R:

1. This Criminal Petition is filed under Section 482 of Cr.P.C. by the petitioner/accused No.2 to grant anticipatory bail to the petitioner/accused No.2 in the event of his arrest in F.I.R.No.301 of 2023 on the file of the Falaknuma Police Station, Hyderabad, registered for the offence punishable under Section 37(A) of TS Excise Act, 1968.

2. Heard learned counsel for the petitioner 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 petitioner, where toddy was found.

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

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 petitioner, subject to the following conditions:

- 1) The petitioner/Accused No.2 is directed to surrender before the Station House Officer, PS, Falaknuma, Hyderabad District, within one week. Upon such surrender, the said Station House Officer shall release the petitioner/Accused No.2 on bail, on his executing personal bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties for a like sum each to his satisfaction.
- 2) On such release, the petitioner/Accused No.2 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 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.

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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