

THE HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No.11286 of 2023

ORDER:

This Criminal Petition is filed under Section 438 of Cr.P.C. by petitioner/accused seeking anticipatory bail in the event of his arrest in connection with C.O.R No.238 of 2023 dated 31.10.2023 on the file of the Prohibition and Excise Station, Bhainsa, registered for the offence punishable under Section 34(a) of the Telangana Excise Act, 1968.

2. Heard learned counsel for the petitioner, learned Additional Public Prosecutor for the respondent-State and perused the record.

3. Learned Additional Public Prosecutor on instructions would submit that notice under Section 41-A Cr.P.C was issued and complied with by the petitioner.

4. Learned counsel for the petitioner would submit that the Chloral Hydrate which is alleged to have been added to the today is not NDPS substance. However, it is dealt with, which falls within four corners of Section 37 of the Excise Act.

5. Keeping in view that since the quantity is not analyzed and also since as on date, there is no specific test conducted to determine with what substance the toddy was adulterated and only on an assumption, it was mentioned that Chloral Hydrate was found in the toddy, this Court is inclined to grant the relief of anticipatory bail, subject to the following conditions:

- 1) The petitioner/Accused is directed to surrender before the Station House Officer, Prohibition and Excise Station, Bhainsa, Nirmal District within one (1) week. Upon such surrender, the said Station House Officer shall release the petitioner/Accused on bail, on his executing personal bond for a sum of Rs.1,00,000/- (Rupees One Lakh only) with two sureties for a like sum each to his satisfaction.
- 2) On such release, the petitioner/Accused shall appear before the concerned police concerned Station House Officer on every Monday between 10.30am and 1.00pm, for a period of eight (08) weeks and thereafter, as and when required, for the purpose of investigation.
- 3) 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.

6. Accordingly, the Criminal Petition is allowed. Miscellaneous applications, if any pending in this criminal petition, shall stand closed.

K.SURENDER, J

Date : 20.11.2023
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Dt.20.11.2023

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