

THE HON'BLE Dr. JUSTICE G. RADHA RANI

CRIMINAL PETITION No.2515 of 2024

ORDER:

This Criminal Petition is filed by the petitioner/accused under Section 438 of Cr.P.C. for grant of anticipatory bail in Crime No.188 of 2023 of Domalaguda Police Station, Hyderabad, registered for the offence punishable under Section 37-A of Telangana Excise Act, 1968 (for short 'TSE Act').

2. The case of the prosecution, in brief, was that on 02.11.2023 at 20:10 hours, the Sub-Inspector of Police, Domalaguda Police Station, on receipt of credible information that adulterated toddy was being sold at H.No.1-2-607/32/9, Ambedkarnagar, Domalaguda, he along with his staff and panch witnesses went to the said toddy shop and found a person selling toddy, recorded the confession cum seizure panchanama of the said person in the presence of panchas, seized 6 toddy bottles containing 3.9 liters of toddy, seized the material, brought them to the police station and lodged the report.

3. Basing on the aforesaid report, the subject crime was registered.

4. Heard the learned counsel for petitioner and the learned Additional Public Prosecutor representing the respondent-State.

5. Learned counsel for the petitioner submitted that the petitioner was the licence holder of the Toddy Tappers Co-operative Society, Bandamaisammanagar, Hyderabad. The petitioner obtained licence to run toddy depot under the management of the Society. There were no averments in the FIR that the petitioner was involved in mixing or permitting to mix any intoxicating drug in the toddy. The petitioner was no way concerned with the alleged offence, he was falsely implicated in the subject case. He also contended that the police had conducted raid in violation of Rules 3 and 27 of the Telangana State Excise Rules and prayed to grant anticipatory bail to the petitioner.

6. Learned Additional Public Prosecutor opposed grant of bail to the petitioner.

7. Perused the record.

8. Considering merit in the contention of the learned counsel for the petitioner that the raids were conducted in violation of the

Excise Rules and that under Rule 3 of Excise Rules, the police officer conducting the raid should be above the rank of an Inspector and under Rule 27 of Excise Rules, the samples have to be drawn by the excise officials and *prima facie* as it was observed that raids were conducted without jurisdiction, it is considered fit to grant anticipatory bail to the petitioner with certain conditions.

9. Accordingly, the Criminal Petition is allowed and the petitioner/accused shall be released on anticipatory bail subject to the following conditions:

- 1) The petitioner/accused is directed to surrender before the Station House Officer, Domalaguda Police Station, Hyderabad, within a period of 15 days from the date of this order. On such surrender, the said Station House Officer shall release the petitioner/accused on bail, on his executing a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties for a like sum each to the satisfaction of the said Station House Officer.
- 2) The petitioner/accused shall abide by the conditions stipulated under Section 438(2) of

Cr.P.C. and shall co-operate with the
Investigating Officer in investigation of the
case.

Miscellaneous petitions pending, if any, shall stand closed.

Dr. G. RADHA RANI, J

Date: 06.03.2024
ssp