

THE HONOURABLE DR.JUSTICE G. RADHA RANI

CRIMINAL PETITION No.2622 of 2024

ORDER:

This Criminal Petition is filed by the petitioner – Accused under Section 438 of Code of Criminal Procedure for grant of anticipatory bail in the event of his arrest in Crime No.189 of 2023 on the file of PS Domalguda, Hyderabad registered for the offences under 37-A of the Telangana State Excise Act, 1968, which was subsequently altered to Section 8(c) read with 22(c) of Narcotic Drugs and Psychotropic Substances Act, 1985.

2. The case of the prosecution in brief was that on 02.11.2023 at about 18:30 hours, the Sub-Inspector of Police of PS Domalguda, Hyderabad on receipt of credible information that adulterated toddy was being sold at premises bearing No.1-2-607/23/1/A, Om Nagar, New Ambedkar Nagar, Hyderabad informed the same to his superiors, secured the panch witnesses and proceeded to the said place and found the petitioner selling toddy to the needy customers. On enquiry, he disclosed his details, they collected samples of toddy bottles from the said premises. During the course of investigation, the samples were sent to the chemical examiner for analysis. On receipt of the chemical examiner's report that the samples were adulterated with Alprazolam, a psychotropic substance, altered the Section of Law from 37-A of Telangana

State Excise Act to 8(c) read with 22(c) of Narcotic Drugs and Psychotropic Substances Act, 1985.

3. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent – State.

4. Learned counsel for the petitioner submitted that simultaneous raids were conducted on the said date by the Station House Officers of various Police Stations on several licensed shops in violation of Telangana State Excise Rules. The petitioner filed CrI.P.No.11315 of 2023 which was disposed of by this Court directing the Police not to take coercive steps against him pending investigation. The petitioner was apprehending his arrest, as the Section of Law was altered and prayed to enlarge the petitioner on anticipatory bail.

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

6. Perused the record.

7. Considering the merit in the contention of the learned counsel for the petitioner that the raids were conducted in violation of Rule 3 and Rule 27 of Telangana State Excise Rules and that without knowing the quantity of adulterant, the case is likely to fall under Section 22(a) of NDPS Act, but not under Section 22(c) of NDPS Act, which was punishable with only one year

imprisonment, it is considered fit to enlarge the petitioner on bail on certain conditions.

8. In the result, the Criminal Petition is allowed and the petitioner – accused is granted anticipatory bail subject to the following conditions:

(i) The petitioner - accused is directed to surrender before the Station House Officer, Domalguda, Hyderabad within a period of (15) days from the date of this Order, and on such surrender the Station House Officer, Domalguda, Hyderabad shall release the petitioner on bail on his executing a personal bond for Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties for the like sum each to the satisfaction of the said Station House Officer.

(ii) The petitioner - accused shall comply with all the conditions stipulated under Section 438(2) of Cr.P.C. and shall appear before the Investigating Officer as and when directed by him and shall co-operate with the Investigating Officer in investigation of the case.

As a sequel, miscellaneous applications pending in this petition, if any shall stand closed.

Dr. G. RADHA RANI, J

Date: 12th March, 2024
Nsk.