

THE HONOURABLE DR.JUSTICE G.RADHA RANI

CRIMINAL PETITION No.3385 OF 2024

ORDER:

This Criminal Petition is filed under Sections 437 and 439 of Code of Criminal Procedure, 1973 (for short “Cr.P.C”) seeking regular bail to the petitioner-Accused No.3 in Crime No.483 of 2023 on the file of Bowenpally Police Station, Secunderabad registered for the offence punishable under Section 37-A of the Telangana State Excise Act, which was altered to Section 8(c) read with 22 (c), 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short ‘NDPS Act’).

2. The case of the prosecution in brief was that on 02.11.2023 at 21:25 hours, the Sub Inspector of Police (in short SI), Bowenpally on receipt of credible information about the sale of adulterated toddy in the toddy shop at L.B.Nagar, Opp Limra Ladies Tailors, Hasmathpet, Old Bowenpally appraised the same to the Assistant Commissioner of Police, Begumpet Division, Hyderabad and obtained permission to conduct search. He secured the panch witnesses and along with his staff proceeded to the said place and conducted raid. He found a person by name Donthuri Bhadraiah Goud selling toddy at his shop. On physical search of the premises, he found four toddy trays which contained 12 bottles of toddy

each of 750 ML. On enquiry, the accused admitted that he was selling adulterated toddy to earn easy money. The SI recorded the confession cum seizure panchanama of accused and seized the above material and brought the accused along with the seized material to the police Station. Basing on the said report, the above crime was registered against the accused for the offence punishable under Section 37-A of TS Excise Act.

3. Heard learned counsel for the petitioner-Accused No.3 and learned Additional Public Prosecutor for the respondent-State.

4. Learned counsel for the petitioner- Accused No.3 submitted that the accused No.1 was the President and the accused No.2 was the worker in the shop of the petitioner's Society by name M/S.Tree for Tapper Society which was formed under the provisions of the Toddy Cooperative Societies Act. The petitioner/accused No.3 was remanded on 27.02.2024. He was aged 63 years and was the sole bread winner of their family. Accused Nos.1 and 2 were enlarged on bail by this Court vide Crl.P.No.437 of 2024 dated 08.02.2024. The police of Bowenpally without following due procedure conducted raid and search and drawn the samples as against Rule 27 of Telangana State Excise Rules. The police without sealing the sample bottles had taken the toddy bottles with them and not followed the procedure and prayed for grant of regular bail to the

petitioner.

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

6. Perused the record. Considering that accused Nos.1 and 2 were enlarged on bail and this Court also granted regular bail to others who were standing in similar circumstances as per the orders in Crl.P.No.11722 of 2023 dated 29-11-2023, and as the adulterated psychotropic substance “Alprazolam”, could not be quantified by the chemical examiner except stating that the samples were containing “Alprazolam”, psychotropic substance along with ethyl alcohol and considering that the petitioner was in custody since 27.02.2024 and the entire investigation was completed and the chemical examiner’s report was also received and except for filing the charge-sheet, no other investigation was pending, it is considered fit to enlarge the petitioner on bail on certain conditions.

7. Accordingly, the Criminal Petition is allowed and the petitioner-accused No.3 shall be released on regular bail subject to the following conditions:

i) The petitioner-Accused No.3 shall execute 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
learned Metropolitan Sessions Judge, Hyderabad.

ii) The petitioner/Accused No.3 shall abide by the conditions
stipulated in Section 437(3) of Cr.P.C.

Miscellaneous applications, pending if any, shall stand closed.

Date: 01.04.2024
dgr/dsv

Dr. G.RADHA RANI, J