

THE HONOURABLE DR.JUSTICE G. RADHA RANI

CRIMINAL PETITION No.3816 of 2024

ORDER:

This Criminal Petition is filed by the petitioner – A2 under Section 438 of Code of Criminal Procedure for grant of anticipatory bail in the event of his arrest in COR.No.288 of 2023 on the file of PS Excise, Sangareddy, registered under Section 27(i) of TS Toddy Rules, 2007.

2. The case of the prosecution in brief was that on 23.11.2023, the Excise Police have conducted raid at the Toddy Co-operative Society, Kondapur and tested the toddy with prescribed chemicals and found that it was free from chemicals. But, however, on suspicion they have drawn three samples each containing 350ml of Toddy and registered a case vide COR.No.288 of 2023 under Section 27(i) of Toddy Rules, 2007.

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

4. Learned counsel for the petitioner submitted the petitioner was aged 77 years, no offence was committed by him, only on suspicion, the case was registered, however the petitioner was apprehending his arrest and prayed to enlarge the petitioner on anticipatory bail.

5. Learned Assistant Public Prosecutor opposed grant of anticipatory bail to the petitioner stating that the chemical examiner's report is awaited.

6. Considering that no case was registered against the petitioner except under Toddy Rules, which was not any violation, but pertaining to the drawal of samples and no case was made out against the petitioner till date, it is considered fit to enlarge the petitioner on anticipatory bail on certain conditions.

7. In the result, the Criminal Petition is allowed and the petitioner – A1 is granted anticipatory bail subject to the following conditions:

(i) The petitioner – A2 is directed to surrender himself before the Station House Officer of PS Excise, Sangareddy District within a period of (15) days from the date of this Order, and on such surrender, the SHO of PS Excise, Sangareddy District shall release the petitioner – A2 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.

(ii) The petitioner – A2 shall comply with the conditions laid down under Section 438(2) of Cr.P.C.

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

Dr. G. RADHA RANI, J

**Date: 16th April, 2024
Nsk.**