

THE HON'BLE Dr. JUSTICE G. RADHA RANI

CRIMINAL PETITION No.12858 OF 2024

ORDER:

This criminal petition is filed by the petitioner – Accused No.2 under Section 482 of Bharatiya Nagrik Suraksha Sanhitha, 2023 (for short BNSS) for grant of anticipatory bail in Cr.No.309 of 2024 of Thangallapalli Police Station, Rajanna Sircilla District registered for the offences under Section 318(4) of Bharatiya Nyaya Sanhita, 2023 (for short BNS) and section 7-A of Essential Commodities Act (for short EC Act).

2. Heard Sri S.Satyanarayana, learned counsel for the petitioner and learned Additional Public Prosecutor for respondent-State.

3. Learned counsel for the petitioner submitted that the Head constable of Thangallapalli P.S. lodged a report on 11.09.2024 at 7.00 hours stating that while he was conducting patrolling duty, he stopped an Omni van bearing No.AP29 B6043 coming from Baswapur village and on checking the vehicle found PDS rice bags in that vehicle. On enquiry with the driver, he stated that on the instructions of the petitioner, he was purchasing PDS rice from the ration card holders at less price and was transporting the same to

sell to accused No.2. On that the Head Constable secured the panch witnesses and seized 6 quintals of rice along with Omni van under the cover of panchnama and lodged the report. Basing on the said report, the above crime was registered. It was further submitted that the police registered several cases of like nature against the petitioner herein.

4. He further submitted that there was no contravention of the Control Order passed under section 3 of EC Act committed by the petitioner. To book a case under section 7 of EC Act, there should be contravention of any of the Control Order passed under Section 3 of EC Act. Clause 17-A of the Control Order only deals with interruption in the process of distribution from FCI Godown, MLS Point and ration shop. There was nothing mentioned in clause 17-A regarding transportation of PDS commodity as illegal to initiate proceedings under section 7-A of EC Act. No offence under section 318(4) of BNS was committed by the petitioner. The same was also not applicable and prayed to grant anticipatory bail to the petitioner-accused No.2

5. Learned Additional Public Prosecutor opposed grant of anticipatory bail to the petitioner-accused No.2 stating that the role

of the petitioner was stated by accused No.1 in this case that he was trying to sell the rice to the petitioner herein, the said fact would need to be ascertained by the investigating officer.

6. Perused the record.

7. Considering that till date no evidence was collected against the petitioner herein, except the confession of the accused No.1 who stated that he was going to sell the same to the petitioner herein which would not attract the offences under section 318(4) of BNS or section 7-A of EC Act, it is considered fit to enlarge the petitioner on anticipatory bail.

8. In the result, the criminal petition is allowed directing the petitioner-accused No.2 to be released on bail in the event of his arrest in the above crime subject to the following conditions:

- i) The petitioner - accused No.2 shall execute a personal bond for a sum of Rs.15,000/- (Rupees Fifteen thousand only) with two sureties each for a like sum to the satisfaction of the II Additional Judicial First Class Magistrate, Sircilla.

ii) The petitioner – accused No.2 shall abide by the conditions stipulated in Section 482 (2) of Bharatiya Nagarik Suraksha Sanhitha, 2023.

Dr. G. RADHA RANI, J

November 05, 2024

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