

THE HON'BLE Dr. JUSTICE G. RADHA RANI

CRIMINAL PETITION No.12862 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.216 of 2024 of Ellanthakunta 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. The case of the prosecution in brief was that on 10-09-2024 at 9:20 hours, the Head constable of Ellanthakunta Police station lodged a report stating that while he was on patrolling duty and when reached near the School at Gollapally Village, found one Mahindra trolley vehicle bearing No.TS-10-UA-3565, going towards Venkatraopally Village and on suspicion he stopped it and checked the same and found rice bags in that vehicle. On opening them, he found PDS (Public Distribution System) rice. On examination, the driver failed to furnish any documentation for transportation of the said rice. On enquiry, he revealed that he was the owner cum driver of Mahindra trolley and confessed that, he

was transporting the PDS rice by purchasing the same from the ration card holders at less price and selling the same to the petitioner – A.2, resident of Jillella Village of Thangallapally Mandal to gain money illegally. On recording the confession of A-1, the Head constable seized (05) quintals of rice found in (12) bags along with Mahindra trolley bearing No. No.TS-10-UA-3565 under the cover of panchanama and lodged the above report.

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

4. Learned counsel for the petitioner 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 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 a fit case 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 Ellanthakunta Police Station, Rajanna Sircilla District.

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 06, 2024

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