

THE HONOURABLE DR.JUSTICE G.RADHA RANI

CRIMINAL PETITION No.13672 OF 2024

ORDER:

This Criminal Petition is filed by the petitioners/accused Nos.5 and 6 under Section 482 of BNSS-2023 for grant of anticipatory bail in the event of their arrest in Crime No.216 of 2024 dated 07.11.2024 on the file of Kodangal Police Station, Vikarabad District, registered for the offences punishable under Sections 34 (a) of A.P. Excise Act, 1968 read with Rule 4 of A.P. Chloral Hydrate Rules. 1973.

2. The case of the prosecution in brief was that on 07.11.2024 at 05.00 hours while the Sub Inspector of Police of Kodangal Police Station along with his staff was conducting vehicle checking at Ambedkar X Roads, he found a white car bearing No.KA 28 D 4827 proceeding from Tandoor road towards Ravulapally. When the police asked to stop the vehicle, it was not stopped. As such, they chased the said vehicle and stopped it on NH-163 road near Chitlapally Kaman and on checking the car, they found a white polythene bag in the boot of the car and it contained light yellow crystal like substance. On enquiry with accused No.1, who was driving the car, he stated that it was chloral hydrate (CH) and he was mixing it in

toddy and he brought it from one Nagesh Goud (accused No.2) and Meghanath Goud (accused No.4). The police seized 10 kgs., of chloral hydrate from A1. Thereafter, the police also apprehended accused Nos.2 and 3 on the same day and seized 5 kgs., of chloral hydrate each from A2 and A3. On enquiry, accused No.2 stated that he purchased the chloral hydrate (CH) from accused No.3 and accused No.3 stated that he purchased the same from accused Nos.5 and 6 (who were none other than the brothers of A2). Accused Nos.1 to 3 were arrested on 07.11.2024 and remanded to judicial custody.

3. Heard the learned counsel for the petitioners/accused Nos.5 and 6 and the learned Additional Public Prosecutor for the respondent – State.

4. Learned counsel for the petitioners submitted that the petitioners never committed the alleged offence, as they were brothers of accused No.2, the police included their names even though there was no material against them to prosecute. No case was made out against the petitioners to attract the offences under Sections 34(a) of TS Excise Act and Section 123 of BNS, and prayed to enlarge the petitioners on anticipatory bail.

5. Learned Assistant Public Prosecutor opposed grant of anticipatory bail to the petitioners stating that they were alleged to be the suppliers of

chloral hydrate (CH) to accused Nos.2 and 3, who were mixing the same in toddy which would affect the brain and other parts of the body of the consumers leading to their ill-health.

6. Considering the remand case diary of accused Nos.1 to 3 wherein the role of the present petitioners was stated to be the suppliers of chloral hydrate (CH) to accused No.3, who in turn supplied to accused No.2 and except the confession of the co-accused, there was no other admissible evidence against the petitioners as on date, and as no criminal antecedents were reported against the present petitioners, it is considered a fit case for grant of anticipatory bail to the petitioners.

7. In the result, the Criminal Petition is allowed and the petitioners/accused Nos.5 and 6 shall be released on anticipatory bail subject to the following conditions:

- i) The petitioners/accused Nos.5 and 6 are directed to surrender before the Station House Officer, Kodangal Police Station, Vikarabad District, within a period of 15 days from the date of this order and on such surrender, the said Station House Officer shall release the petitioners on bail, on their executing a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) each with two sureties for a like sum each to the satisfaction of the said Station House Officer.

ii) The petitioners/accused Nos.5 and 6 shall abide by the conditions stipulated in Section 482(2) of Bharatiya Nagarik Suraksha Sanhitha, 2023.

Miscellaneous applications, if any, pending shall stand closed.

Dr. G.RADHA RANI, J

Dated: 26.11.2024

HFM/FM

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