

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.15476 of 2024

ORDER:

This Criminal Petition is filed under section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of pre-arrest bail to the petitioner who is arrayed as accused No.11 in Crime No.189 of 2022 of Prohibition and Excise Station, Ibrahimpatnam.

2. The brief facts of the case are that on 16.12.2022, on received credible information about illegal sales of IML at a Kirana Shop in H.No.2-62, Mondi Gowrelly village, Yacharam Mandal, Ranga Reddy District, the Ibrahimpatnam Prohibition and Excise Police went to the said premises and found about illegal possession of IML bottles by the accused persons. Hence, a case was registered vide Crime No.189 of 2024 before the Prohibition and Excise Station, Ibrahimpatnam, Ranga Reddy District, for the offences punishable under Sections 34(1) (ii), 34(2), 37(A)(1)(i) of TS Excise Act 1968.

3. Heard Sri P.Manoj Kumar, learned counsel appearing on behalf of the petitioner as well as Sri Syed Yasar Mamoon,

learned Additional Public Prosecutor appearing on behalf of the respondent.

4. Learned counsel for the petitioner *firstly* submitted that the petitioner is innocent and he is no way concerned with the alleged offences. He *secondly* submitted that though there is no corroborative evidence, the petitioner is falsely implicated in the case only based on the confession statement of co-accused. He *thirdly* submitted that this Court has granted anticipatory bail to accused Nos.8 and 10 in the same crime *vide* common order dated 03.02.2023 in Crl.P.Nos.251 and 252 of 2023. He *fourthly* submitted that there are no criminal antecedents pending against the petitioner and also charge sheet was filed. He *lastly* submitted that petitioner is the only breadwinner of his family and is willing to furnish sureties as directed by the Court and prayed the Court to grant anticipatory bail to the petitioner by allowing this criminal petition.

5. On the other hand, learned Additional Public Prosecutor opposed the submissions made by the learned counsel for the petitioner stating that the investigation is not yet completed, therefore, granting anticipatory bail to the petitioner, at this

stage, does not arise. Hence, he prayed the Court to dismiss the criminal petition.

6. After considering submissions from both the parties and material available on record, it apparent that except omnibus allegations there are no specific allegations against the petitioner and further, accused Nos.8 and 10 were already granted bail in the same crime. Therefore, considering the facts and circumstances of the case, this Court is of the considered view that it is a fit case for granting of anticipatory bail to the petitioner.

7. Accordingly, this petition is allowed granting anticipatory bail to the petitioner subject to the following conditions:

- i. The petitioner shall execute a personal bond for a sum of Rs.15,000/- (Rupees Fifteen Thousand only) each, with two sureties for a like sum each to the satisfaction of the XV Additional Metropolitan Magistrate at Ibrahimpatnam.
- ii. The petitioner shall cooperate with the trial proceedings by appearing before the concerned

Court whenever his presence is required as the charge sheet is filed before the concerned Court.

- iii. The petitioners shall abide by the other conditions stipulated in Section 482(2) of Bharatiya Nagarik Suraksha Sanhita, 2023.

7. Accordingly, the Criminal petition is allowed.

Miscellaneous applications, if any pending, shall stand closed.

K. SUJANA, J

Date: 23.12.2024

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