

THE HONONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.3317 of 2025

ORDER:

This Criminal Petition is filed under Section 482 of Bharatiya Nagarik Suraksha Sanhitha, 2023 (for short 'BNSS') seeking anticipatory bail to the petitioner/accused No.1 in Cr.No.44 of 2025 of Bhainsa Town Police Station, Nirmal District, registered for the offences punishable under Sections 318(4) and 316(5) r/w. 3(5) of Bharatiya Nyaya Sanhitha, 2023 (for short 'BNS') and Section 7 of the Essential Commodities Act.

2. The case of prosecution, in brief, is that the Deputy Tahsildar lodged a complaint on 08.02.2025, wherein it is stated that the petitioner's vehicle illegally transporting 699 bags of PDS rice and the same was seized and kept at MLS point at Bhainsa under the cover of panchanama on 08.02.2025. Basing on the

said complaint, a case was registered in Crime No.44 of 2025.

3. Heard Sri K.Venu Madhav, learned counsel for petitioner and learned Assistant Public Prosecutor for the respondent-State.

4. Learned counsel for petitioner submits that the petitioner has not committed any alleged offense and was falsely implicated in the above said crime. He further submits that initially, crime was registered for the offence under Sections 318(4) r/w. 3(5) of BSS and Section 7 of the E.C. Act, subsequently, with an intention to harass the petitioner and to defeat the procedure as contemplated under Section 41(A) of the Cr.P.C, included Section 316(5) of BNS though the ingredients of the said provisions are not applicable.

5. Learned counsel for the petitioner further submits that subsequent to filing of this criminal petition, the District Collector (Civil Supplies), Nirmal District initiated proceedings under the provisions of

Essential Commodities Act and the petitioner already submitted reply and the same is pending.

6. *Per contra*, learned Additional Public Prosecutor submits that the petitioner committed grave offence and illegally, transporting 699 bags of PDS Rice which was meant for distribution to the weaker Sections and the petitioner purchased the said rice contrary to the scheme and the investigation is under progress. If the petitioner enlarged on Anticipatory bail, there is every chance to influence the witnesses and interfere with the investigation and hence, prayed to dismiss the petition.

7. Learned counsel for the petitioner by way of reply, submitted that the petitioner is ready and willing to cooperate with the investigation and also, he will abide by the conditions, which are going to be imposed by this Court.

8. Having considered the rival submissions made by the respective parties and after perusal of the material

available on record, it reveals that Cr.No.44 of 2025 was registered basing upon the complaint lodged by the Deputy Tahsildar on 04.08.2025. During the course of hearing, learned counsel for the petitioner brought to the notice of this Court that the District Collector exercising the power conferred under the provisions of Essential Commodities Act initiated 6-A proceedings. In pursuant to the same, the petitioner also submitted explanation and the same is pending.

9. Taking into consideration of the facts and circumstances of the case, this Court is of the considered view that petitioner/accused No.1 is entitled for grant of anticipatory bail, subject to the following conditions:

1. The petitioner/accused No.1 shall surrender before the Station House Officer, Bhainsa Town Police Station, Nirmal District on or before 18.03.2024, and on such surrender, the said Station House Officer shall release the petitioner/accused No.1 on bail on his executing a personal bond for Rs.50,000/- (Rupees Fifty

Thousand only) with two sureties, for the like sum each.

2. The petitioner/accused No.1 shall appear before the concerned SHO at 11.00 A.M. on every Monday, for a period of eight (8) weeks or till filing of charge sheet whichever is earlier for the purpose of investigation and thereafter, as and when required.
 3. The petitioner/accused No.1 shall abide by the other conditions stipulated in Section 482 (2) Bharatiya Nagarik Suraksha Sanhitha, 2023 and co-operate with the Investigating Officer in investigating the case.
10. Accordingly, the Criminal Petition is allowed.

Miscellaneous applications, pending if any, shall stand closed.

JUSTICE J.SREENIVAS RAO

Date: 13.03.2025
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