

THE HONONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No. 3861 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 in Crime No.291 of 2024 on the file of P.S. Kadthal, Cyberabad, registered for the offences punishable under Section 34(a) of Telangana State Excise Act, 1968 (for short 'TSEA').

2. The case of prosecution in brief is that on 03.10.2024, on receipt of credible information, Police rushed to Charikonda Village and found one person making fake toddy by using powders. On enquiry, Toddy Shop owner confessed that he has purchased the toddy at surrounding villages and poured in four drums and in that he mixed 999 brand ammonium by carbonate powder and citric acid in large quantities and sending it to Hyderabad for high profits in Bolero Vehicle and selling the same without having any valid license. Immediately police conducted panchanama and seized 999 brand ammonium by carbonate 2 packets, each one kg, 25 kg empty citric acid bag and bolero vehicle. Basing on the same, a case was registered in Crime No.291 of 2024.

3. Heard Sri C.Hari preeth, learned counsel for petitioners and Mr.Syed Yasar Mamoon, learned Additional Public Prosecutor for the respondent-State.

4. Learned counsel for petitioner submitted that petitioner has not committed alleged offence and he was falsely implicated in the above crime. He further submitted that initially the above crime was registered for the offence under Section 34 of TSEA and the Police have issued notice under Section 35(3) of BNSS in favour of petitioner on 03.10.2024. After lapse of more than 99 days, Police have filed alteration memo before learned Magistrate on 09.01.2025 and added Section 21(C) of NDPS Act, at the instance of local political party leaders. He further submitted that pursuant to the notice under Section 35(3) of BNSS, petitioner has appeared before the investigation officer and provided the information as sought by him. He further submitted that entire investigation is completed and the petitioner is ready to cooperate with the investigation and also ready to abide by the conditions, which are going to be imposed by this Court and hence, prayed for grant of anticipatory bail.

5. *Per contra*, learned Additional Public Prosecutor submitted that petitioner has committed grave offence and specific allegations are leveled against the petitioner/accused and investigation is under progress and if the petitioner/accused is granted anticipatory bail at this stage, he may tamper with the evidence and may threaten the witnesses. He further submitted that the petitioner is not cooperating with the investigation officer for investigation.

6. By way of reply, learned counsel for the petitioner submitted that petitioner will cooperate with the investigation officer for investigation and provide the information/documents as sought by him.

7. Having considered the rival submissions made by the respective parties and after perusal of the material available on record, it reveals that initially the above crime was registered for the offence under Section 34 of TSEA and the Police have issued notice under Section 35(3) of BNSS in favour of petitioner on 03.10.2024 and later Police have filed alteration memo before learned Magistrate on 09.01.2025 and added Section 21(C) of NDPS Act. According to the learned counsel for the petitioner, petitioner has appeared before the investigation officer and provided information as sought by him.

8. Taking into consideration of the above facts, this Court is of the considered view that petitioner/accused is entitled for grant of anticipatory bail, subject to the following conditions:

1. The petitioner/accused shall surrender before the Station House Officer of Kadthal Police Station, Ranga Reddy District, on or before 02.04.2025, and on such surrender, the said Station House Officer shall release the petitioner/accused on bail on her executing a personal bond for Rs.50,000/- (Rupees Fifty Thousand only) with two sureties, for the like sum each.
2. The petitioner/accused 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 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.

9. Accordingly, the Criminal Petition is allowed.

Miscellaneous applications, pending if any, shall stand closed.

JUSTICE J.SREENIVAS RAO

Date:26.03.2025

vsl