

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No. 6775 of 2025

ORDER:

This Criminal Petition is filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) by the petitioner/accused seeking anticipatory bail in the event of his arrest in Crime No.14 of 2025 of Prohibition and Excise Station, Quthbullarpur, registered for the offence punishable under Section 8(C) read with 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'NDPS Act').

2. The case of prosecution in brief is that on 12.02.2024 at around 09:05 PM, the STF Team, Hyderabad, conducted a raid at H.No.4/191-585/1, 191 colony, Nizampet, and detected illegal sale of toddy. During the inspection and search, 31.2 liters of illegal toddy, 96 officers choice whisky bottles and 48 kay kay whisky bottles were seized. The raid and seizure were carried out in the presence of mediators, and documented under a Panchanama. Hence, the complaint.

3. Heard Mr. B. Upendar, learned counsel for the petitioner, and Mr. Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for the respondent State.

4. Learned counsel for the petitioner submitted that the petitioner has not committed the alleged offence and he was falsely implicated in the present crime. Initially, the crime was registered for the offence under Section 34(a) of the Telangana Excise Act, 1968 and the punishment for the said offence is below seven years. He further submitted that with an intention to harass the petitioner, the section of law was altered to 8(c) read with 22 of the NDPS Act. The petitioner is not having any criminal antecedents and eking out his livelihood by doing labour work. The petitioner is ready and willing to cooperate with the investigation and also comply with the conditions, which are going to be imposed by this Court. Hence, the petitioner may be granted anticipatory bail.

5. *Per contra*, learned Additional Public Prosecutor submitted that the petitioner adulterated the toddy by using Alprazolam and the petitioner has committed grave offence and the investigation is under progress. At this stage, if the

petitioner is granted anticipatory bail, he will interfere with the investigation and influence the witnesses. Hence, the petitioner is not entitled to seek anticipatory bail.

6. Having considered the rival submissions made by the respective parties and after perusal the material available on record, it reveals that initially the crime was registered for the offence under Section 34(a) of the Telangana Excise Act, 1968 and subsequently, basing on the analysis report, altered the Section of the law into 8(c) read with 22 of the NDPS Act. Even according to the learned Additional Public Prosecutor, the police seized the toddy and the petitioner is not having any criminal antecedents.

7. Taking into consideration the facts and circumstances case, this Court is inclined to grant anticipatory bail to the petitioner/accused with the following conditions:

- (i) The petitioner/accused is directed to surrender before the Prohibition and Excise Station, Quthbullapur on or before 23.06.2025 and on such surrender, he shall be enlarged on bail on his executing a personal bond for a sum of Rs.30,000/- (Rupees thirty thousand only) with two sureties for a like sum each.

- (ii) On such release, the petitioner/accused shall appear before the Prohibition and Excise Station, Quthbullapur, on every Monday at 11:00 a.m. for a period of eight (8) weeks or till filing of the charge sheet, whichever is earlier.
- (iii) After release, if the petitioner indulges in similar offence, the respondent is at liberty to file petition seeking cancellation of bail.
- (iv) The petitioner/accused shall abide by the conditions stipulated under Section 482 (2) of the BNSS and shall cooperate with the Investigating Officer in the investigation.

8. Accordingly, the Criminal Petition is allowed.

Miscellaneous applications, pending if any, shall stand closed.

J.SREENIVAS RAO, J

Date: 16.06.2025
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