

The Hon'ble Sri Justice J.Sreenivas Rao

Criminal Petition No.7812 of 2025

Order:

This Criminal Petition is filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'BNSS') seeking anticipatory bail to the petitioners/accused Nos.1 and 2 in P.C.O.R.No.250 of 2024 on the file of Excise Police Station, Kothakota, Wanaparthy District, registered for the offences punishable under Section 8(c) r/w Section 22(b) of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act').

2. The case of the prosecution is that on 11.12.2024 at about 03:45 p.m., on receipt of complaint regarding sale of artificial toddy without tapping the excise trees, the Prohibition and Excise Officials visited the toddy shop at TFT Counter No.06, Sugoor Village, Pebbair Mandal, Wanaparthy District, seized three samples each about 350 of toddy and sent them to Government Chemical Examiner for chemical analysis and

report and on 18.02.2024, the report was received as 'fermented toddy adulterated with alphrazolam' and on the basis of said report, the aforesaid crime was registered against the petitioners/accused for the aforesaid offences.

3. Heard Mr. M.Damodar Reddy, learned counsel for the petitioners/accused Nos.1 and 2 and Mr. Syed Yasar Mamoon, learned Additional Public Prosecutor for the respondent/State.

4. Learned counsel for the petitioners submitted that the petitioners have not committed the offence and they were falsely implicated in the aforesaid crime and even according to the allegations made in the complaint, the ingredients of the provisions of the NDPS Act are not attracted against the petitioners. He further submits that the investigating officer, after conducting investigation, filed chargesheet before the Principal District and Sessions Court at Wanaparthy and the same was taken cognizance and numbered as NDSC.No.1 of 2025 and therefore, there is no question of the petitioners

interfering with the investigation or influencing the witnesses. He further submits that petitioner No.1 is 65 year-old-lady and is suffering from oldage ailments and petitioner No.2 is eking out his livelihood by doing toddy tapping and the petitioners have no criminal antecedents and they never involved in similar offence under the provisions of the NDPS Act and they will appear before the concerned Court and prosecute the proceedings in N.D.S.C.No.1 of 2025 and unless this Court grants anticipatory bail, they will be put to grave hardship.

5. *Per contra*, learned Additional Public Prosecutor submitted that the petitioners/accused Nos.1 and 2 have committed grave offence under the provisions of the NDPS Act and the petitioners are absconding right from the date of registration of the present crime, and hence, they are not entitled for grant of anticipatory bail.

6. Having considered the rival submissions made by learned counsel for the respective parties and on perusal of the material

available on record, it reveals that the petitioners are accused Nos.1 and 2 in P.C.O.R.No.250 of 2024 and the investigating officer, after conducting investigation, filed chargesheet and the same was numbered as N.D.S.C.No.1 of 2025 and the said case is pending on the file of the Principal District and Sessions Court at Wanaparthi. Even according to the learned Additional Public Prosecutor, no criminal antecedents are reported against the petitioners/accused Nos.1 and 2.

7. In view of the same, this Court is inclined to grant anticipatory bail to the petitioners/accused Nos.1 and 2, subject to the following conditions:

- i. The petitioners/accused Nos.1 and 2 shall surrender before the learned Principal District and Sessions Judge, Wanaparthi, on or before 09.07.2025, and on such surrender, the learned Principal District and Sessions Judge, Wanaparthi, shall release the petitioners/accused Nos.1 and 2 on bail on each of them executing a personal bond for Rs.25,000/- (Rupees Twenty

Five Thousand only) with two sureties each for a like sum.

ii. On such release, the petitioners/accused Nos.1 and 2 shall file a sworn affidavit before the learned Principal District and Sessions Judge, Wanaparthy, to the effect that they will appear before the Court on each and every date of adjournment whenever their physical presence is required in N.D.S.C.No.1 of 2025 and also represent the matter through their counsel on each and every date of adjournment.

iii. After release, if the petitioners/accused Nos.1 and 2 indulge in similar offences, the respondent/State is at liberty to file an application seeking cancellation of bail.

8. Accordingly, the Criminal Petition is allowed.

As a sequel, miscellaneous petitions, pending if any, stand closed.

Date: 02.07.2025
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J.SREENIVAS RAO, J