

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.12884 of 2025

This Criminal Petition is filed before this Court for grant of bail to the petitioners who are arrayed as accused Nos.1 and 3 in Crime No.89 of 2025 of Seerole Police Station, Mahabubabad District, registered for the offences punishable under Section 34 (e) of TS Excise Act, 1968 and Section 7 (A) r/w 8 (e) of TS Prohibition Act, 1995.

2. The brief facts of the case are that, on 12.09.2025, the de-facto complainant lodged a report before the police stating that, on 12.09.2025, he along with staff were performing patrolling on the outskirts of Kampally village and found one Bolero Vehicle, they checked the vehicle and seized 34-bags of black jiggery, 2-bags of alum and 20-litres of ID liquor and Bolero vehicle. Hence, he requested to take necessary action. Basing on the said complaint, the police registered a case for the above said offences.

3. Heard Sri Raveendhar Malothu, learned counsel for the petitioners as well as Sri E. Ganesh, learned Assistant Public Prosecutor for respondent-State.

4. Learned counsel for the petitioners submitted that the petitioners herein are innocent of the alleged offences. It is further submitted that, even though all the offences alleged against them are below 7 years, instead of serving notice under Section 35 (3) of BNSS, they were illegally remanded to the judicial custody from 17.09.2025 and the material part of the investigation was already completed. Therefore, he prayed the Court to grant bail to the petitioners by allowing this criminal petition.

5. On the other hand, learned Additional Public Prosecutor opposed the submissions made by the learned counsel for the petitioners stating that the allegations leveled against them are serious in nature. It is further submitted that the investigating authorities have served the notice under Section 35(3) of BNSS to them. Further, as they have violated the conditions as per Section 35(3) of BNSS, the investigating authorities remanded them to the judicial custody. It is further submitted that there are 5 cases pending against accused No.3 and 3 cases pending against accused No.1. Therefore, he prayed the Court to dismiss the criminal petition.

6. In the light of the submissions made by both the learned counsel and upon perusal of the material available on record, the alleged offences against the petitioners are below seven years and they are in jail from 17.09.2025. Considering the facts and circumstances of the case, the nature of the allegations, the stage of investigation, and the duration of incarceration, this Court finds it appropriate to grant bail to the petitioners/accused Nos.1 and 3 subject to the following conditions.

- i. The petitioners/accused Nos.1 and 3 shall execute a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each, with two sureties for a like sum each to the satisfaction of the learned Additional Judicial First Class Magistrate, at Mahabubabad, Mahabubabad District.
- ii. The petitioners/accused Nos.1 and 3 shall appear before the concerned SHO at 11:00 a.m., on every Monday for a period of eight (8) week or till filing of charge sheet whichever is

earlier, for the purpose of investigation, and thereafter, as and when required.

- iii. The petitioners/accused Nos.1 and 3 shall abide by the conditions stipulated in Section 437(3) of Cr.P.C. (presently, Section 480(3) of the BNSS).

7. Accordingly, the Criminal petition is allowed.

Miscellaneous applications, if any pending, shall stand closed.

K. SUJANA, J

Date: 13.10.2025
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