

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.15921 of 2024

ORDER:

This Criminal Petition is filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of pre-arrest bail to the petitioner, who is arrayed as accused No.2 in P.C.O.R.No.143 of 2024 of Prohibition and Excise Police Station, Atmakur, Wanaparthy District.

2. The brief facts of the case are that on 19.11.2024, at approximately 5:30 PM, the Prohibition and Excise Station Inspector (P&ESI) and the Atmakur police team inspected a toddy shop in Thirumalaipally village, Madanapur mandal. Following a spot test using prescribed chemicals, the toddy was found to be free from Chloral Hydrate adulteration. However, due to suspicions, three samples of toddy (350ml each) were collected, sealed, and labeled according to procedure. A panchanama was conducted, and the case was registered as P.C.O.R.No.143 of 2024 at the Excise Station, Atmakur.

3. Heard Sri D. Ram Reddy, learned counsel appearing on behalf of the petitioner as well as Sri Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for respondent – State.

4. Learned counsel for the petitioner submitted that the Petitioner is innocent and has been falsely implicated in the alleged offence at the instigation of the *de facto* complainant and that the allegations made are entirely false and have caused significant mental agony to the petitioner and his family. He further submitted that the petitioner as a respectable citizen, he assures the Court that he will not evade justice and is willing to abide by any conditions imposed, including furnishing sufficient sureties. The Petitioner is the sole breadwinner of their family and granting anticipatory bail is crucial to prevent great hardship and irreparable loss. The Petitioner undertakes to cooperate fully with the investigation and is prepared to face trial to prove his innocence. Therefore, he prayed the Court to grant anticipatory bail to the petitioner by allowing this criminal petition.

5. Learned Additional Public Prosecutor opposed the bail application of the petitioner, stating that releasing him on bail poses a significant risk of evidence tampering. He further stated that the investigation is still ongoing and incomplete. Therefore, he requested the Court to dismiss the bail petition.

6. After considering the submissions made by both learned counsel and reviewing the material on record, it appears that the petitioner is the owner of the subject premises and holds a license to operate the toddy shop. Although the prosecution alleges that accused No.1 is running the shop, given the clean record of the petitioner with no pending criminal cases, this Court deems it fit to grant pre-arrest bail to the petitioner subject to the following conditions:

- i. The petitioner shall surrender before the Station House Officer, Prohibition and Excise Station, Atmakur, Wanaparthy District, within two weeks from today, and on such surrender, the said Station House Officer shall release him on bail on executing a personal bond for Rs.25,000/- with two sureties, for the like sum each.
- ii. The petitioner shall abide by the other conditions stipulated in Section 482(2)

of Bharatiya Nagarik Suraksha Sanhita, 2023 and co-operate with the Investigating Officer in investigating the case.

- iii. The petitioner shall appear before the concerned Investigating Officer on every Monday between 09:00 a.m, and 05:00 p.m., till the filing of the charge sheet and thereafter, as and when required

7. Accordingly, this Criminal Petition is allowed.

Miscellaneous applications, if any pending, shall stand closed.

K. SUJANA, J

Date: 03.01.2025
SAI

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