

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION NO. 5324 OF 2021

ORDER:-

This petition is filed under Section 437 and 439 of the Code of Criminal Procedure, 1973 (for short "Cr.P.C.") seeking regular bail to the petitioner/A-1 in connection with Crime No.125 of 2021 of Special Enforcement Bureau of Rapur, SPSR Nellore District, registered for the offence punishable under Section 7(B) r/w 8(A) and 7(B) r/w 8(B) of Andhra Pradesh Prohibition Act, 1995.

2. The case of prosecution is that on 10.09.2021 at about 3.20 PM during the raid conducted by SEB Inspector (I/c) Rapur along with their staff proceeded and reached at Marupuru Village towards west side 1 KM forest area, four four male persons. On seeing the police party, they escaped though police tried to catch them. Then they found 6 blue colour plastic drums each containing 200 liters capacity of FJ wash total 1200 liters of fermented Jaggery wash to make illicit distilled liquor and 35 liters of black colour plastic can containing 30 liters ID arrack and 6 cardboard boxes each containing 24 KGs jiggery total 144 KGs and one celkon keypad phone, seized and sealed the case property under the cover of a special report. FJ wash and drums were destroyed on the spot. Basing on the special report, present crime was registered.

3. Heard Sri T.Janardhan Rao, learned counsel for the petitioner and learned Assistant Public Prosecutor for the respondent-State.

4. Learned counsel for the petitioner submits that the petitioner is falsely implicated in this case and even as per the case of the prosecution, the petitioner was not found at the scene of offence. It is the case of the prosecution that police have identified four persons and when they called with their names, they turned back and escaped from the scene. Except that, there is no other independent witness identified the petitioner and other accused. He further submits that the allegations as far as the petitioner is concerned, they do not attract the offence alleged as there is no recovery from the petitioner and neither any incriminating material is found from his possession and that the petitioner is languishing in jail from 18.09.2021. Hence, his case may be considered for grant of bail.

5. Learned Assistant Public Prosecutor on the other hand submits that investigation is pending and hence, the petitioner is not entitled for grant of bail at this stage.

6. Taking into consideration the fact that the petitioner is arrayed as accused basing on the identification made by police only and no independent witness has identified the petitioner at the scene of offence, this Court deems it appropriate to grant bail to the petitioner.

7. Accordingly, this Criminal Petition is allowed. The petitioner/A-1 shall be released on bail in connection with Crime No.125 of 2021 of Special Enforcement Bureau of Rapur, SPSR Nellore District on condition of executing self bond for Rs.20,000/- (Rupees twenty thousand only) with two sureties for a likesum

each to the satisfaction of the Court of Additional Judicial Magistrate of First Class, Gudur, SPSR Nellore District.

Consequently, miscellaneous applications pending, if any, shall stand closed.

LALITHA KANNEGANTI, J

Date :29.09.2021
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THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

(Allowed)

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