

THE HON'BLE SRI JUSTICE K.SURESH REDDY

CRIMINAL PETITION No. 5679 OF 2023

ORDER:

The present criminal petition, under Section 438 Cr.P.C., is filed by the petitioner-accused No. 2 seeking his release on bail in the event of arrest in crime No. 131 of 2023 of Dachepalli Police Station, Palnadu District, registered for the offences punishable under Sections 34 (a) (1) and 50 (B) (a) of A.P. Excise Act.

2. Heard Sri Turaga Sai Surya, learned counsel appearing for the petitioner-accused No. 2, and learned Special Assistant Public Prosecutor appearing for the respondent-State.

3. Case of the prosecution is that accused No. 1 is driver and accused No. 2 is owner of Bolero vehicle bearing registration No. AP 39 UH 3180. It is alleged that the petitioner-accused No. 2 paid an amount of Rs.1,80,000/- to accused No. 1 and asked him to get liquor bottles from Telangana State. Accused No. 1 agreed for the same. Thereafter, on 15-07-2023, while accused No. 1 was bringing 240 liquor bottles of 750 ml. each from Telangana State, he was apprehended by police at Andhra Pradesh Border Check Post, Pondugala Village. After conducting panchanama and after

seizing the contraband, the police arrested accused No. 1 and remanded him to judicial custody. During the course of investigation, accused No. 1 has disclosed that he brought the said non-duty paid liquor bottles from Telangana State on the instructions of the petitioner-accused No. 2.

4. Learned counsel for the petitioner-accused No. 2 contends that the petitioner-accused No. 2 came to be implicated in the present crime only on the confession of accused No. 1; that the petitioner-accused No. 2 is not at all the owner of the crime vehicle and he will not claim the same and that accused No. 1 has already been enlarged on bail.

5. In that view of the matter, this Court is inclined to grant anticipatory bail to the petitioner-accused No. 2 with certain conditions.

6. The petitioner-accused No. 2 is, therefore, directed to surrender before the Station House Officer, Dachepalli Police Station, within a period of ten days from today. On such surrender, the petitioner-accused No. 2 is ordered to be enlarged on bail on his executing a personal bond for Rs.25,000/- with two

sureties for the like sum each to the satisfaction of the Station House Officer, Dachepalli Police Station. After release, the petitioner-accused No. 2 is directed to report before the Station House Officer, Dachepalli Police Station, on every Sunday between 10 a.m. and 1 p.m. until further orders.

7. The criminal petition is allowed.

JUSTICE K.SURESH REDDY

Date: 16-08-2023,
JSK

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DATE: 16TH AUGUST, 2023

JSK