

# Kambampati. Galeswara Rao, vs The State Of Andhra Pradesh, on 22 July, 2021

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION NO. 3932 OF 2021

ORDER:

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This petition is filed under Section 438 of the Code of Criminal Procedure, 1973 (for short "Cr.P.C.") seeking pre-arrest bail to the petitioner/A9 in the event of his arrest in connection with Crime No.28 of 2020 of Nagarjunasagar Police Station, Guntur District registered for the offences punishable under Sections 188, 273, 328 and 420 r/w 34 of the Indian Penal Code, 1860 (for short IPC) Sections 57, 58, 63 of Food Safety and Standards Act, 2006 and under Sections 20(b) read with 8(c) of the NDPS Act, 1985.

2. The case of prosecution is that a report was lodged wherein it is alleged that on 25.02.2020 on receiving credible information S.I. of Police, N.Sagar Police Station along with his staff proceeded to T road junction Police Check Post and while they were conducting vehicle check, they stopped one Ashok Leyland Mini Truck bearing No.TS 12 UC 6892 which was coming from Hyderabad and found three persons. On checking the vehicle the Police found 1) Blue Bull Khaini sachets -28,080, 2) Miraj Khaini Sachets-12,000, 3) Khaleja sachets-17,040, 4) Rani Gutka sachets

-39,000, 5) A1 tobacco sachets-16,000, 6) 900 grams of ganja. Police seized the said packets under the cover of a mediators report. Basing on the said report, the present crime is registered in which, the petitioner is arrayed as A9.

3. Heard Sri S.S.N.Moorthy, learned counsel for the petitioner and learned Assistant Public Prosecutor for the respondent-State.

4. Learned counsel for the petitioner submits that this Court had clearly held that this Court has clearly observed in Criminal Petition Nos.5421 of 2019 and batch that tobacco does not fall within the definition of "food" as specified under Section 3(i)(j) of the FSS Act and possession or transportation of tobacco products will not constitute offences under Sections of IPC and FSS Act. Learned counsel for the petitioner submits that petitioner is no way concerned with any of the allegations levelled in the complaint. He submits that this Court has granted pre-arrest bail to A3 and A7 order dated 23.09.2020 passed in CrI.P.No.3902 of 2020. As the petitioner stands on the same footing, his case may be considered for grant of pre- arrest bail.

5. Learned Assistant Public Prosecutor conceded that A3 and A7 were granted pre-arrest bail and that the petitioner stands on similar footing.

6. In view of the fact that a coordinate Bench of this Court had granted pre-arrest bail to A3 and A7 and as the petitioner stands on similar footing, this criminal petition is allowed in terms of order dated 23.09.2020 passed in Crl.P.No.3902 of 2020.

7. Accordingly, this Criminal Petition is allowed. The petitioner/A9 shall be released on bail in the event of his arrest in connection with Crime No. 28 of 2020 of Nagarjunasagar Police Station, Guntur 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 Station House Officer, Nagarjuna Sagar Police Station, Guntur District.

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

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LALITHA KANNEGANTI, J Date :22.07.2021 IKN THE  
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