

Shaik Mahaboob vs The State Of Andhra Pradesh on 2 December, 2022

Author: K Sreenivasa Reddy

Bench: K Sreenivasa Reddy

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

FRIDAY, THE SECOND DAY OF DECEMBER
TWO THOUSAND AND TWENTY TWO

-PRESENT: ae
THE HONOURABLE SRI JUSTICE K SREENIVASA REDDY mae

CRIMINAL PETITION NO: 8418 OF 2022
Sehveen:

Shaik Mahaboob, S/o. Shaik Abdul Gafar, Aged about 29 years, Rig.
2.451, Near Sinimahaly, Krosur, Guntur District Now Painady District

__ Petitioner/Accused-1?
AND

The State of Andhra Pradesh, Rep. by ts Public Prosecutor, High
Court Bulldings, Arnaravatn.
Respondent/Complainant

Petition under Section 438 of mr Po0, preying thal in the clreunsiences
stated in the memorandum of grounds fled in Criminal Petition, the High Court
may be pleased fo enlarge the pefitioner on bail in tha evant of his arrest in
SIN No. 82 of 2020 of Durgi Police Station, Guntur District in the interest of
justice.

The petition coming on for hearing, upan perusing the Petition and the
memorandum of grounds Med in support thereof and upon hearing the
arguments of Sri Raja Reddy Koneti, Advocate for the Petitioner and of Public
Prosecutor for the Respondent, the Court rade the following
ORDER:

THE HON'BLE SRI JUSTICE K. SREENIVASA REDDY CRIMINAL PETITION NO.8435 OF 2022
ORDER:

The Criminal Petition, under Section 438 af the Code of Criminal Procedure, 2975, is
fled oon behalf of the petitioner/Accused No.1? to grant anticipatory ball In
connection with Crime No.3? of 2020 of Durgi Police Station, Guntur District.

2) A case has been registered against the petitioner and others for the offenc nishable

under Sections 18, 273, 420 read with 34 IPC, Section 3 s/w ob of the NDPS Act, 1965 and Sections 58, 59 and 63 of Food Safety and Standard Act, 2006.

3) Sef facts of the case are that, on 29.02.2020 on receiving credible information, SJ of Police, Durgi Police Station, along with his staff and mediators went to the fields of Al and Ag and found a tin shed meant for buffaloes. When Police entered into the shed, they found two persons working in an underground room along with some material which is used for preparation of banned tobacco products of qutka and Khaini amounting to 1.6 Kgs of ganja. On questioning, Al and A2 confessed that they are preparing tobacco products by mixing ganja in partnership with Ad to AS, Police seized the said material under mediators report and basing on the confessional statements of other accused, petitioner was arrayed as accused in the above crime.

4) Heard. Perused the record, etc.

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3) The crime was registered on 29.02.2020, but prosecution has not taken any steps to arrest the petitioner. It is not the case of the prosecution that petitioner is absconding. In the investigation so far done, nothing is found to connect the petitioner with the alleged crime except the confessional statement of co-

accused,

6) In the facts and circumstances of the case, this Court is inclined to consider request of petitioner for grant of anticipatory bail.

7) Accordingly, in the event of his arrest in the above crime number, petitioner/Accused No.1 shall be released on bail executing a personal bond for a sum of Rs.10,000/- (Rupees ten thousand only), with two sureties each for the full sum for the satisfaction of the arresting police officials and also on condition that the petitioner shall make himself available for investigation as and when required and that he shall not cause any threat, inducement or promise to the prosecution witnesses. The petitioner shall appear before the Station House Officer, Durgi Police Station, Guntur District, once in a week i.e., on every Sunday between 10.00 a.m. and 01.00 p.m., for filling of the charge sheet.

8) Accordingly, the Criminal Petition is allowed, Sci. T. MADHAYI "ees REGISTRAR TRUE COPY! ae F SECTION OFFICER Te, |

4. The Station House Officer, Durgi Police Station, Guntur District.

2 One CC to Sr. Rala Reddy Koneti, Advocate fOPUC)

3. Two OC ip Public Prosecutor High Court of AP [OUT]

4. Gne spare copy.

MSB HIGH COURT -

SREY DATED Oafi 222s BAIL ORDER CRLP.No.Odi8 of 2022 ALLOWED