

M. Satish vs State Of Andhra Pradesh on 17 August, 2021

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION NO.4520 of 2021

ORDER:

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This petition is filed under Sections 438 of Code of the Criminal Procedure, 1973 (for short 'Cr.P.C.') seeking pre arrest bail to the petitioners/A-6 and A-7 in the event of their arrest in connection with Crime No.366 of 2021 of Guntakal I Town Police Station, Anantapuramu District for the offences punishable under Sections 328, 270, 272, 273 r/w 34 of the Indian Penal Code, 1860, Sections 16, 24, 59(a) of Food, Safety and Standards Act, 2006 and Section 34(a) of Andhra Pradesh Excise Act, 2020.

2. The case of prosecution is that on 09.07.2021 on information about illegal transportation of tobacco products and liquor from Karnataka State, the respondent police along with staff and mediators proceeded to Hanuman Circle of Guntakal Town and on conducting vehicle check, they found one Eicher van coming from Ballary side towards Guntakal Town. On seeing the police, inmates of the said vehicle tried to run away but the police apprehended them. On interrogation the accused confessed that they are transporting tobacco products and liquor. Police seized 576 tetra packets, each containing 90 ML and the tobacco products of worth Rs.5,20,000/-, under the cover of a mediators report. The accused confessed the role of present petitioners in the commission of offence. Basing on the confession of arrested accused, the petitioners are arrayed as A-6 and A-7.

3. Heard Sri Raja Reddy Koneti, learned counsel for the petitioners and learned Assistant Public Prosecutor for the respondent-State.

4. Learned counsel for petitioners submits that though the petitioners have not committed any offence, they have been arrayed as accused 6 and 7. Learned counsel pointing out at the panchnama and submits that the only allegation against the petitioners is that the petitioners are residents of Ballary, Karnataka State and the other accused have purchased gutkha products and liquor from the petitioners in Karnataka State and the accused are selling the same in Andhra Pradesh. Learned counsel submits that even if the allegations are taken on its face value, they do not attract the offence as alleged as purchase of tobacco products with the help of petitioners in Karnataka State is not an offence and police failed to take into consideration whether selling of tetra packets of liquor is an offence in Karnataka State. Hence, their case may be considered for grant of pre-arrest bail.

5. Learned Assistant Public Prosecutor submits that the petitioners are also enjoying the sale proceeds as such, they also committed the offence as alleged.

6. There is no dispute about the fact that 1st petitioner belong to Karnataka State and even as pointed out by the learned counsel for the petitioners, even if the contents of FIR are taken to be

correct, no offences are made out against the petitioners, this Court deems it appropriate to grant pre-arrest bail to the petitioners.

7. Accordingly, this Criminal Petition is allowed. The petitioners/ A-6 and A-7 shall be enlarged on bail in the event of their arrest in Crime No.366 of 2021 of Guntakal I Town Police Station, Anantapuramu District on their executing self bonds for Rs.20,000/- (Rupees twenty thousand only) each with two sureties for a like sum each to the satisfaction of the Station House Officer, Guntakal I Town Police Station, Anantapur District.

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

_____ LALITHA KANNEGANTI, J Date: 17.08.2021 KA THE
HON'BLE SMT. JUSTICE LALITHA KANNEGANTI (Allowed) CRIMINAL PETITION No. 4520 of
2021 Date: 17.08.2021 KA