

# Criminal Procedure vs Unknown on 28 October, 2021

**Author: D.Ramesh**

**Bench: D.Ramesh**

THE HONOURABLE SRI JUSTICE D.RAMESH

CRIMINAL PETITION NO.5792 OF 2021

ORDER:

-

This petition is filed under Section 438 of the Code of Criminal Procedure, 1973 (for short "Cr.P.C.") to enlarge the petitioner/A3 on bail in the event of his arrest.

2. The petitioner is A3 in Crime No.32 of 2020 of Durgi Police Station, Guntur District.

3. The alleged offences against him are under sections 188, 273, 420 r/w 34 of Indian Penal Code, 1860 (for short "IPC") and under sections 20 (b) r/w 8(c) of Narcotic Drugs and Psychotropic Substances Act, 1985 (fort short "NDPS Act") and under sections 58, 59, 63 of Food Safety And Standards Act (FSSA).

4. It is the case of the prosecution that when the police raided the premises in question that they found the machinery meant for preparation of tobacco products in the possession of A1 to A3 and they were taken into custody. Basing on the same, the present crime is registered and the petitioner herein is arrayed as A3.

5. Heard learned counsel for the petitioner and the learned Additional Public Prosecutor.

6. Learned counsel for the petitioner would submit that admittedly the ganja was not found in the possession of the petitioner herein, he was only implicated in this case on the basis of the statement said to have been given by A1. He submits that even as per the statement, no offence is made out for any of the offences for which the crime was registered in this case. Therefore, he prayed for grant of anticipatory bail to the petitioner.

7. Learned Additional Public Prosecutor while opposing the bail application would submit that the statement of A1 shows that machinery meant for preparation of banned products, supplied to this petitioner and the statement also reveals that the petitioner is also doing business of selling ganja. He would submit that in view of the seriousness of the offence that it is not a fit case for grant of anticipatory bail and prayed to dismiss the criminal petition.

8. Perused the record.

9. The banned products and the small quantity of ganja was found in possession of A1 to A3, as per the case of the prosecution and A1, A2 granted bails. A4 also granted anticipatory bail by this Court. Therefore, in the said facts and circumstances of the case, this court is of the considered view that the accusation made against the petitioner is prima facie not well founded. So he is entitled to pre arrest bail.

10. In the result, this criminal petition is allowed. In the event of arrest of the petitioner in Crime No.32 of 2020 of Durgi Police Station, Guntur District, he shall be released forthwith on bail on execution of self bond for Rs.50,000/- (Rupees fifty thousand only) with two sureties for a like sum each to the satisfaction of the Station House Officer of Durgi Police Station, Guntur District. On his release, the petitioner shall not make any attempt to tamper with the prosecution evidence. He must make himself available to the Investigation Officer as and when required by him to facilitate proper investigation.

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

\_\_\_\_\_  
JUSTICE D.RAMESH Date :28.10.2021 Pnr THE HONOURABLE  
SRI JUSTICE D.RAMESH CRIMINAL PETITION No.5792 of 2021 28.10.2021 pnr