

HONOURABLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No.3921 of 2021

ORDER:

This Criminal Petition is filed under Section 438 of Code of the Criminal Procedure, 1973 (for short 'Cr.P.C.') seeking anticipatory bail to the petitioner/un-named accused in connection with Crime No.59 of 2021 of Itchapuram Town police station, Srikakulam District registered for the offence punishable under Sections 270, 272, 273 r/w 34 of the Indian Penal Code, 1860 (for short 'I.P.C.') and under Section 20(2) of Cigarettes and Other tobacco Products Act (COTPA), 2003 and Section 20(b)(ii) (C), 8(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for brevity "NDPS Act").

2. The case of prosecution is that on 19.06.2021 at about 5.30 p.m. the respondent police, on information, arrested the accused, near old Toll Plaza, Bellupada, Ichapuram Municipality, when they were transporting 87 plastic bags of banned tobacco products worth Rs.20,35,800/- and 45,090 KGs of KGs of ganja worth Rs.90,180/- in a mini container lorry bearing No.AP 05TX 3257 and seized the property under cover of Mahazarnama in the presence of mediators.

3. Heard Sri R.Siva Sai Swarup, learned counsel for petitioner and learned Assistant Public Prosecutor for the respondent-State.

4. Learned counsel for the petitioner submits that in the remand report in Crime No.59 of 2021 it has been mentioned that the petitioner is involved in dealing with prohibited Tobacco

products purchased at Berhampur of Odisha and he was also involved in Crime No.40 of 2019 under Sections 188, 270, 272, 273 IPC and Section 58, 59, 63 of FSS Act of Ichapuram Town police station and Crime No.88 of 2019 under Sections 188, 270, 272, 273 IPC and Section 58, 59, 63 of FSS Act of Ichapuram Road police station and paid commercial tax an amount of Rs.7,06, 020/- and suspect sheet has opened and sent to the concerned police stations. He submits that all those offences dealing with Tobacco products is not the offence and earlier crimes which were registered were quashed by this Court, police are still registering the cases and it is his apprehension that the petitioner may be arrested and hence, he come up with this application for pre arrest bail.

5. On the other hand, the learned Assistant Public Prosecutor submits that no crime is registered against the petitioner and he is not arrayed as an accused in the present crime. He further submits that as per the orders of this Court in Criminal Petitions and subsequent Writ Petitions, they are taking steps and in all those cases they are not registering the said offences.

6. In view of the same, recording the above submissions, this Criminal Petition is closed. No costs.

LALITHA KANNEGANTI, J

Date: 27.07.2021
Sj

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THE HON'BLE SMT JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No.3921 of 2021

Dated 27.07.2021

sj