

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION NO.4232 of 2021

ORDER:-

This petition is filed under Section 438 of Code of the Criminal Procedure, 1973 (for short 'Cr.P.C.') seeking pre arrest bail to the petitioners/A-2 and A-3 in the event of their arrest in connection with Crime No.147 of 2021 of Yadamari Police Station, Chittoor District for the offences punishable under Section 34(1)(i) r/w 34(a), 14, 42(a) of A.P.Excise Act, 2020.

2. The case of prosecution is that on 03.07.2021, on receipt of credible information about illegal transportation of liquor, the respondent police along with his staff and mediators proceeded to Budithireddypalle-CR Kantriga Cross road at Yadamari Mandal and while checking the vehicles, they notice a car coming towards Konapalle and stopped the car. Two of the inmates of the said car skulk away from the place. But the police apprehended one person. On interrogation he confessed that he acted as driver and he along with his two friends purchased the liquor bottles. Police found 1824 silver cup India Brandi, VS-4 of 180 ML in 38 card board boxes belong to Karnataka State and seized the same under the cover of a mediators report. Basing on the said report, the present crime was registered and petitioners are arrayed as accused.

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

4. Learned counsel for the petitioners submits that the petitioners are unconnected with the alleged offences and nothing has been seized from the possession of the petitioners and only basing on the confession of other accused, petitioners are implicated. He relied on a judgment in *Jojindra Kumar vs. State of U.P.*, wherein it was held that:

“No arrest can be made because it is lawful for the police officer to do so, the existence of the power to arrest is one thing. The justification for the exercise of it is quite another. The police officer must be able to justify the arrest apart from his power to do so. Arrest and detention in police lock up of a person can cause incalculable harm to the reputation and self-esteem of a person. No arrest can be made in a routine manner on a mere allegation of commission of offence made against a person. It could be prudent for a police officer in the interest of protection of the Constitutional right of a citizen and perhaps in his own interest that no arrest should be made without a reasonable satisfaction reached after some investigation as to the genuine and bonafides of a complaint and a reasonable belief as to persons complicity and even as to the need to effect arrest. Denying a person of his liberty is a serious matter”.

He submits that as there are no specific allegations and as nothing has been seized from the petitioners, petitioners' case may be considered for grant of pre arrest bail.

5. On the other hand, learned Assistant Public Prosecutor submits that all the accused together went to Karnataka State and purchased the liquor bottles and the petitioners escaped from the

scene of offence. Basing on the confession of arrested accused, the petitioners are arrayed as accused Nos.2 and 3. He further submits that huge quantity of 1824 bottles were purchased by the petitioner.

6. Taking into consideration the allegations and the huge quantity of bottles seized, this Court is not inclined to grant pre-arrest bail to the petitioners. However, learned counsel for the petitioners submits that the petitioners will surrender before the concerned jurisdictional Court and move an appropriate application seeking bail. On such surrender, the application moved by the petitioners shall be considered on the same day, in accordance with law.

7. Accordingly, this Criminal Petition is disposed of.

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

LALITHA KANNEGANTI, J

Date: 04.08.2021
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(Disposed of)

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