

THE HONOURABLE SRI JUSTICE D.RAMESH

CRIMINAL PETITION NO.5167 OF 2021

ORDER:-

This petition is filed under Section 438 of the Code of Criminal Procedure, 1973 (for short "Cr.P.C.") seeking pre-arrest bail to the petitioner/A-3 in the event of his arrest in connection with Crime No.59 of 2021 of Itchapuram Town Police Station, Srikakulam District, registered for the offences punishable under Sections 270, 272, 273 r/w 34 of the Indian Penal Code, 1860 (for short 'IPC'), Section 20(2) of the Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 (for short 'COTP Act').

2. The case of prosecution is that on 19.06.2021 on receipt of credible information about transportation of tobacco products and ganja, the Sub Inspector of Police, Itchapuram Town Police Station along with staff and mediators, went to Belgupada near Old Toll Plaza situated on NMG-16 road and while searching the vehicles, they noticed a mini container lorry bearing No.AP 05 TX 3257 and on verification of the said lorry, police found 89 gunny bags which contain Miraj Khaini tobacco products and two bags of ganja. Police arrested the accused and seized the contraband, under the cover of a mediators report. Basing on the said report, present crime was registered and petitioner is arrayed as A-3.

3. Heard learned counsel for the petitioner and learned Assistant Public Prosecutor for the respondent-State.

4. Learned counsel for the petitioner submits that petitioner is innocent and he is unconnected with the alleged offence and that the facts of the case do not attract the alleged offences. Hence, petitioner's case may be considered for grant of pre-arrest bail.

5. Learned Assistant Public Prosecutor submits that offence under the NDPS Act is attracted and investigation is pending, as such the petitioner is not entitled for pre-arrest bail.

6. Looking at the allegations in the complaint, this Court is not inclined to grant pre-arrest bail to the petitioner. However, learned counsel for the petitioner submits that the petitioner will surrender before the concerned jurisdictional Court and move an appropriate application seeking bail. On such surrender, the application moved by the petitioner shall be considered as expeditiously as possible, in accordance with law.

Accordingly, the Criminal Petition is disposed of.

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

Date :03.11.2021
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JUSTICE D.RAMESH

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Disposed of

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