

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

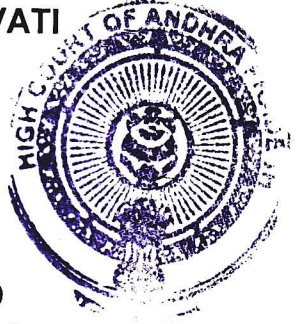
THURSDAY, THE FOURTEENTH DAY OF AUGUST,

TWO THOUSAND AND TWENTY FIVE

:PRESENT:

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION NO: 8217 OF 2025



Between:

Balina Narshimaswamy Goud, S/o Venkateswara Rao, Aged about 33 years, R/o Kolamuru, Rajamahendravaram Rural, Mandal.

Petitioner/Accused No.2

AND

The State of Andhra Pradesh, Rep. by its Public Prosecutor, High Court of Andhra Pradesh at Amaravati, Through Prohibition & Excise Station, Rajamahendravaram-North.

Respondent

Petition under Section 482 of BNSS., is filed praying that in the circumstances stated in the grounds filed in support of the petition, the High Court may be pleased to grant an anticipatory bail, directing Prohibition & Excise Station, Rajamahendravaram North to release the Petitioner in the event of his arrest connecting to Cr. No. 184 of 2025 dated 04.07.2025 on the file of Prohibition & Excise Station, Rajamahendravaram North.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri. SINGAMSETTY V.M. SANKAR Advocate for the Petitioner and of PUBLIC PROSECUTOR, for the Respondent;

The Court made the following ORDER:

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO**CRIMINAL PETITION No:8217/2025****ORDER:**

The Criminal Petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for brevity 'the BNSS') by the petitioner/Accused No.2 for granting of pre-arrest bail in connection with Crime No.184 of 2025 of Prohibition and Excise Police Station, Rajamahendravaram North, registered for the alleged offence punishable under Section 7-B read with 8-A of A.P. Prohibition Act, 1995.

2. The case of the prosecution is that on 04.07.2025 at approximately 02:00 a.m., acting upon reliable information, the P&EI ESTF, RJVM, along with P&E SI RJVM North and accompanying staff, proceeded to Kolamuru Village, situated within the jurisdiction of Rajamahendravaram Rural Mandal. Upon arrival, the team secured the presence of the Village Revenue Officer (VRO) of Kolamuru, apprised him of the intelligence received, and upon his concurrence to act as a mediator, proceeded with him to the location known as Gurrala Checruvu within the said village. At the scene, the officials observed two individuals engaged in suspicious activity specifically, manually mixing liquid substances in plastic drums. Upon intervention and in the presence of the mediator, the said individuals were detained and interrogated regarding the nature of their activity. They voluntarily disclosed that they were fermenting FJ wash for the purpose of illicit distillation of liquor. Upon further inquiry, the individuals identified themselves as Dasari Nageswara Rao (A1), Yelugantiu Venkatesh (A2). A search was conducted in the presence of the

mediator, which resulted in the seizure of the contraband of Four plastic drums, each of 200 liters capacity, containing a total of 300 liters of FJ wash, Three plastic tins, each of 35 liters capacity, containing approximately 30 liters each of illicitly distilled liquor (ID liquor), aggregating to 90 liters, One vehicle, specifically an Activa 125 bearing registration No.AP 39 SB 1508, suspected to be used for transportation of ID liquor.

3. During interrogation, Accused No.1 stated that the raw material for the manufacture of ID liquor was supplied by one Balina Narsimhaswamy Goud. Accused No.1 further admitted to transporting the ID liquor manufactured by Accused Nos.2 and 3. Accused No.3, identified as Yelugantiu Venkatesh, claimed to be a daily wage worker employed for Rs.500/- per day and denied knowledge of the source of raw materials. The accused were informed, in the presence of the mediator, that the possession, transportation, and manufacture of ID liquor constitutes an offence under the Andhra Pradesh Prohibition Act (APP Act). Consequently, the accused were formally arrested. Samples were drawn for chemical analysis - 300 ml of ID liquor, 500 ml of FJ wash. The sample bottles were duly sealed, and the remaining contraband including the ID liquor containers and the vehicle were affixed with identity slips bearing the signatures of the mediator and departmental personnel. A mediator's report was drafted contemporaneously at the scene of offence.

4. Sri S.V.Maruti Sankar, the learned counsel for the Petitioner contends that the petitioner is innocent of the alleged offence and has been falsely implicated by the police. It is further submitted that the petitioner is the sole

earning member of the family and he is ready to abide any conditions that may be imposed by this Court, and it is urged to grant pre-arrest bail to the petitioner.

5. *Per contra*, Ms.P.Akhila Naidu, the learned Assistant Public Prosecutor vehemently opposed the grant of pre-arrest bail to the petitioner, submitting that the investigation is still underway and several material witnesses remain to be examined. It is contended that if the petitioner is released on pre-arrest bail, there is a strong likelihood that he may abscond, thereby hampering the ongoing investigation and evading the process of law. The learned Assistant Public Prosecutor submits that there are no antecedents against the petitioner. In view of the foregoing, it is urged that the petition be dismissed.

6. Heard the learned counsel for the petitioner and the learned Assistant Public Prosecutor. Perused the record.

7. The Petitioner is permanent resident of Kolamuru, Rajamahendravaram Rural. He alleged that due to political rivalries he was falsely implicated in this case. The name of the Petitioner/Accused No.2 was shown as accused in the case based on the confession given by the Accused No.1 in the mediator's report in the presence of the Prohibition and Excise Officers. The Petitioner was not found in possession of any ID liquor. Considering the entire gamut of the case, this Court inclined to enlarge the Petitioner on pre-arrest bail.

8. In the result, Criminal Petition is allowed with the following conditions:

- i. In the event of his arrest, the petitioner/Accused No.2 shall be enlarged on bail subject to he executing a personal bond for a

sum of Rs.10,000/- (Rupees Ten Thousand only), with two sureties for the like sum each to the satisfaction of the arresting police officials.

- ii. The petitioner/Accused No.2 shall make himself available for investigation as and when required.
- iii. The petitioner/Accused No.2 shall not cause any threat, inducement or promise to the prosecution witnesses.
- iv. The petitioner/Accused No.2 shall appear before the Station House Officer concerned once in a week i.e., on every Saturday between 10.00 a.m. and 5.00 p.m., till filing of the charge sheet.
- v. The petitioner/Accused No.2 shall not leave the State of Andhra Pradesh limits without the express permission from the Station House Officer concerned.
- vi. The petitioner/Accused No.2 shall surrender his passport, if any, to the investigating officer. If he claims that he does not have passport, he shall submit an affidavit to that effect to the Investigating Officer.

SD/- G.HELANAIDU
ASSISTANT REGISTRAR

//TRUE COPY//

hw
SECTION OFFICER

To,

1. The Station House Officer, Prohibition & Excise Station, Rajamahendravaram North.
2. One CC to Sri. SINGAMSETTY V.M. SANKAR, Advocate [OPUC]
3. Two CCs to PUBLIC PROSECUTOR, High Court of Andhra Pradesh, Amaravati. [OUT]
4. One spare copy

HIGH COURT

DR.YLR, J

DATED:14/08/2025

BAIL ORDER

CRLP.No.8217 of 2025

ALLOWED

