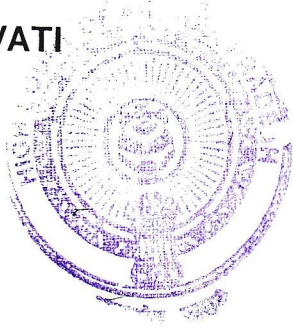


IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

**THURSDAY, THE FOURTEENTH DAY OF AUGUST
TWO THOUSAND AND TWENTY FIVE**

:PRESENT:

**THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO
CRIMINAL PETITION NO: 8245 OF 2025**



Between:

Matta Kalyan, S/o Sathibabu, Hindu, Aged 26 Years, R/o Pidiragoyyi Village,
Rajamahendravaram Rural Mandalam

...Petitioner/Accused-A2

AND

The state of Andhra pradesh, Rep., by its Public Prosecutor, High Court of
Andhra Pradesh, At Amaravathi.

...Respondent/Complainant

Petition under Section 482 of BNSS praying that in the circumstances stated in the memorandum of grounds filed in support of the Criminal Petition, the High Court may be pleased to grant anticipatory bail to the petitioner, directing the arresting officer to release him on bail in the event of his arrest in connection with FIR No. 191 of 2025 of Prohibition & Excise Station, Rajamahendravaram-North.

The Petition coming on for hearing, upon perusing the Petition and the memorandum of grounds filed in support thereof and upon hearing the arguments of SRI TATA SINGAIAH GOUD Advocate for the Petitioner, and of PUBLIC PROSECUTOR, for the Respondent, the Court made the following

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO**CRIMINAL PETITION No:8245/2025****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.191 of 2025 of Prohibition and Excise Police Station, Rajamahendravaram North, registered for the alleged offence punishable under Section 7-B read with 8-B of A.P. Prohibition Act, 1995.

2. The case of the prosecution is that on 09.07.2025 at approximately 08:30 AM, acting upon Complaint No.14405 and pursuant to the instructions issued by the Prohibition & Excise Assistant Commissioner, Rajamahendravaram, Sub-Inspector G.Raja Shekar of AC Enforcement, along with departmental staff in plain clothes, proceeded in a hired vehicle to the scene of offence upon receiving credible information regarding the sale of illicitly distilled liquor (ID liquor). Upon arrival at the specified location, the Sub-Inspector contacted the Village Revenue Officer (VRO), herein referred to as LW.1, and apprised him of the intelligence concerning illegal liquor sales. LW.1 consented to act as a mediator and accompanied the enforcement team to the scene. At the location, the officials observed one individual standing with a mica bag in his right hand. Upon noticing the presence of enforcement personnel, the said individual became visibly perturbed and attempted to flee.

He was immediately apprehended by the Sub-Inspector with the assistance of the staff.

3. Upon questioning regarding his attempted escape and the contents of the mica bag, the individual voluntarily disclosed that the bag contained ID liquor, which prompted his attempt to abscond. The Sub-Inspector directed the individual to open the mica bag, which upon inspection emitted a strong odour of ID liquor. A physical verification revealed the presence of 5 litres of ID liquor packed in a polythene cover. Upon further interrogation, the individual disclosed his identity as Vasamsetti Suresh (A1) and named Matta Kalyan (A2) as the supplier of the contraband. The Sub-Inspector informed Accused No.1, in the presence of the mediator, that the sale, possession, and transportation of ID liquor constitutes an offence punishable under Sections 7-B read with 8-B of the Andhra Pradesh Prohibition Act, 1995. Consequently, the contraband consisting of 5 litres of ID liquor was seized, and Accused No.1 was formally arrested. The arrest was duly intimated to his blood relatives, and a copy of Form 48 was served upon him. From the seized property, one sample bottle containing 300 ml of ID liquor was drawn for chemical analysis. The sample bottle, along with the remaining contraband and the mica bag, was sealed with the departmental seal. Identity slips were affixed to the sealed items, bearing the signatures of the departmental officials, staff, and the accused. A mediator's report was drafted

contemporaneously at the scene of offence, documenting the seizure and procedural compliance.

4. Sri Tata Singaiah Goud, 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 further submits that the allegation against the Petitioner/Accused No.2 is that he is the manufacturer of the ID liquor and there is one antecedent against the Petitioner and it is urged to dismiss the petition.

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

7. The name of the Petitioner has come into record based on the confession given by Accuse Nos.1 & 3, who were on spot arrested. Thus

based on the confession given by Accuse Nos.1 & 3 the Petitioner herein is arraigned as accused in this case. Except the confession, there is no other material available to incriminate the Petitioner. The Petitioner is permanent resident of Pidimgoyyi Village, Rajamahendravaram Rural Mandal. He alleged that he was falsely implicated in this case due to political rivalry.

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.20,000/- (Rupees Twenty 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//

SECTION OFFICER

For

To,

1. The Station House Officer, Prohibition & Excise Station, Rajamahendravaram-North, East Godavari District
2. One CC to SRI. TATA SINGAIAH GOUD Advocate [OPUC]
3. Two CCs to PUBLIC PROSECUTOR, High Court of Andhra Pradesh [OUT]
4. One spare copy

PSR

HIGH COURT

DR.YLR,J

DATED:14/08/2025

BAIL ORDER

CRLP.No.8245 of 2025

ALLOWED

