

**THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI**

**CRIMINAL PETITION No.2 of 2021**

**ORDER:**

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This petition is filed under Section 438 of Code of Criminal Procedure, 1973 (for short "Cr.P.C") seeking pre-arrest bail to the petitioners/A-1 and A-2 in the event of their arrest in connection with Crime No.894 of 2020 on the file of Chillakallu Police Station, Krishna District, wherein the petitioners are alleged to have committed the offence punishable under Section 34-A of A.P. Excise Act, 1968; Section 7 (A) of Andhra Pradesh Prohibition Act and GUR Regulation Order of Rules.

2. The case of the prosecution is that on 21.09.2020 at about 10.00 a.m. on credible information while the Sub Inspector of Police, Chillakallu Police Station was conducting the vehicle check found one Tata Manza Car bearing No.AP28 CE 0027 and on seeing the police, inmates of the car tried to escape, they were apprehended and the police seized 10 bags of each 50 KGs of black jaggery and one bag of rock candy from their possession.

3. Heard Sri P.Srinivasa Choudary, learned counsel for the petitioners and learned Public Prosecutor for the respondent-State.

4. Learned counsel for the petitioners would submit that omnibus allegations are made against the petitioners and no specific overt acts are attributed to the petitioners and they were falsely implicated in this case.

5. On the other hand, learned Public Prosecutor submits that the petitioners along with others were already served with notice

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under Section 41-A of Cr.P.C and they were directed to appear before the Station House Officer, but they are not cooperating with the investigation.

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6. When once the police have issued the notice under Section 41-A of Cr.P.C to the petitioners, they have to follow the procedure as per law and without seeking permission of the concerned Magistrate, the police cannot apprehend the petitioners. Hence, at this stage the petition for grant of pre-arrest bail cannot be entertained.

7. In the result, the criminal petition is dismissed.

As a sequel, all the pending miscellaneous applications shall stand closed.

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**LALITHA KANNEGANTI, J**

20<sup>th</sup> January, 2021

PVD

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**THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI**

**DISMISSED**

**CRIMINAL PETITION No.2 of 2021**

20<sup>th</sup> January, 2021

PVD

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