2026 INSC 215

NON-REPORTABLE

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.1263 OF 2026
(ARISING OUT OF S.L.P. (CRIMINAL) NO.20419 OF 2025)

MANOJ KUMAR MUTTA **APPELLANT(S)**

VERSUS

THE STATE OF ANDHRA PRADESH **RESPONDENT(S)**

J U D G M E N T

PRASHANT KUMAR MISHRA, J.

1. Leave granted.

2. The present Appeal has been preferred by the appellant against the order dated 5.12.2025 in Criminal Petition No.12215 of 2025 passed by the High Court of Andhra Pradesh at Amaravati wherein the High Court has refused to grant anticipatory bail to the appellant in the subject First Information Report[1] being Crime No. 171 of 2025 registered at Bhavanipuram Prohibition and Excise Police Station, NTR District, registered for the alleged offences punishable under Sections 34(a) read with Sections 34(1)(i), 34(1)(ii) and 34(e) read with Sections 50B(b), 34(f) read with Sections 34(2) and 34(h) read with Sections 34(2) and 34(h) read with Sections 34(2) and 36(1)(b & c) read with Sections 36(1)(i) and 37(b) read

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NISHA KHULBEY
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Reason:

[1] For short, "the FIR"

with Sections 37(i) and 50 read with Section 50B(b) of the Andhra Pradesh Excise Act, 1968.

3. The appellant is a businessman engaged in the business of manufacture of plastic and aluminum bottle caps through his establishment 'Sha Misrimal Hirachand Empty Glass Bottles Wholesale' at Vijayawada, having duly registered under the Andhra Pradesh Shops and Establishments Act.

4. As per the prosecution's case, on 6.10.2025, a raid was conducted at the shop of Addepalli Jagan Mohana Rao (accused no.2), Ravi Khirana General Stores in Ibrahimpatnam Town and a nearby godown in Divya Complex by Excise Officials which led to the seizure of 7800 bottles of spurious liquor, 3325 litres of spurious liquor blend and bottling and capping machinery. A subsequent raid was conducted on the same day at the A.N.R. Restaurant & Bar uncovering heavy manufacturing equipment, including a water plant and spirit blending tanks. The investigation revealed that the accused utilised the vacant premises of the A.N.R. Restaurant & Bar to blend spirit with water, caramel and essences to produce counterfeit versions of brands like Old Admiral Brandy and Kerala Malt Whiskey.

5. During custodial interrogation of accused nos.1 and 2, it surfaced that essential materials, specifically plastic bottles and caps required for the bottling unit, were procured through the appellant. Subsequently, a memo dated 30.10.2025 was filed before the learned Additional VI Judicial

Magistrate of First Class, Vijayawada, for adding Manoj Kotaria of Vijayawada as accused no.20 in the present FIR.

6. During investigation, LW-14 referred to the appellant as Manoj Kothariya @ Manoj Kumar, the owner of Mishramal Heerachand Plastic Dealers. Similar references were made by two other witnesses ascribing the role of supply of bottles and caps with Government labels for manufacture of spurious liquor to the appellant. Another memo dated 11.11.2025 was filed by the prosecution before the learned Additional VI Judicial Magistrate of First Class, Vijayawada, for changing the name of accused no.20 in the instant FIR to Mutta Manoj Kumar @ Manoj Kotaria, son of Misramal Ji. Investigation further revealed that witnesses had approached the appellant for procuring bottles and caps with Government labels intended for the manufacture of spurious liquor and there were 400 calls between the appellant and accused No.23, who, as per the investigation, coordinated with accused nos.1 and 2 for supply of fake bottles and caps. Financial transactions have been discovered between the appellant and accused no.2 during the course of investigation.

7. Shri K. Parameshwar, learned senior counsel for the appellant would submit that the appellant was not initially named in the FIR and there is a confusion about his identity. It is submitted that the prosecution's case is self-contradictory inasmuch as no raid was conducted at the appellant's business establishment on 6.10.2025, nor the appellant is connected with A.N.R. Restaurant & Bar. It is also submitted that the offences alleged, for which the subject FIR has been registered, are not made out against the

appellant and, moreover, the appellant has been granted interim protection by this Court on 6.1.2026 and the appellant has cooperated and appeared before the Investigating Officer from 8.1.2026 to 12.1.2026, and thereafter, on 20.1.2026 and has fully cooperated with the investigation. It is further submitted that the appellant has been arraigned as accused in two successive cases being Criminal Case Nos. 69 of 2025 and 115 of 2025 which have been registered in quick succession, each containing the same set of allegations and none supported by any material. In every instance, the appellant was arrested, remanded, and, ultimately, released on bail. Therefore, the appellant's custodial interrogation is not required.

8. *Per contra*, Shri S.V. Raju, learned ASG, would submit that the present is a serious case of production of spurious liquor of brands like Old Admiral Brandy and Kerala Malt Whiskey. The appellant is closely connected with the subject crime as, as per the statements of the witnesses, he had supplied empty plastic bottles resembling liquor bottles and cardboard boxes with caps bearing the logo of liquor companies with Government labels intended for the manufacture of spurious liquor. It is also submitted that the appellant's custodial interrogation is required to find out the larger conspiracy and money trail involving manufacture and supply of spurious liquor in the State of Andhra Pradesh.

9. Having heard the learned senior counsel for the appellant and the learned ASG for the respondent-State at length, we are inclined to release the appellant on anticipatory bail for the reason that the appellant was not initially named in the FIR and no raid was ever conducted at his place of business. Admittedly, the raid was conducted at Ravi Khirana General

Stores on 6.10.2025 and, thereafter, at A.N.R. Restaurant & Bar—both of which do not belong to the appellant. Moreover, the appellant has been arraigned as accused in two earlier criminal cases in which he was arrested and released on bail. In the present case, he has been granted interim protection from arrest by this Court *vide* order dated 6.1.2026 and he has appeared before the Investigating Officer. There is no allegation that the appellant has misused the liberty granted.

10. Thus, considering the entire facts and circumstances of the case, we allow this Appeal, set aside the impugned order dated 5.12.2025 passed by the High Court and make the interim protection granted *vide* order dated 6.1.2026 absolute by directing that in the event of arrest, the appellant shall be released on anticipatory bail in connection with Crime No. 171 of 2025 registered at Bhavanipuram Prohibition and Excise Police Station, NTR District, on such terms and conditions as may be imposed by the officer arresting the appellant or the Trial Court, as the case may be, subject to further conditions that the appellant shall always cooperate with the investigation and during trial and shall not influence the witnesses.

Pending application(s) shall stand disposed of accordingly.

.....J.
(PRASHANT KUMAR MISHRA)

.....J.
(N.V. ANJARIA)

NEW DELHI;
MARCH 10, 2026.