

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.7220 of 2017

ORDER:

This criminal petition is filed by the petitioner-accused No.1, under Sections 437 and 439 Cr.P.C., seeking bail in Crime No.160 of 2017 on the file of the Station House Officer, Golconda Police Station, for the offences punishable under Sections 21(b) and 27(a) of the Narcotic Drugs and Psychotropic Substances Act, and Section 14 of the Foreigners Act.

2. Heard the learned counsel for the petitioner and learned Additional Public Prosecutor representing the State.

3. The case of the prosecution, in brief, is that on 17.6.2017 at about 2.00 a.m., on receipt of reliable information about selling of cocaine and heroin, the Station House Officer, Golconda Police Station, visited house bearing No.8-1-523/46, 2nd Floor, Khan Mansion, Brindavan Colony, Tolochowki and found a person. When questioned, the said person disclosed his identity as the petitioner-accused No.1. The petitioner further disclosed that he used to sell Cocaine and heroin and the SHO seized 90 grams of cocaine, 60 grams of heroin and other articles, in the presence of mediators and under the cover of panchanama. The SHO drawn the samples, arrested the petitioner and produced him before the learned XVII Additional Chief Metropolitan Magistrate, Nampally, Hyderabad, for judicial custody.

4. The petitioner filed CrI.M.P. No.2223 of 2017 on the file of the Court of I Additional Metropolitan Sessions Judge, Hyderabad,

under Section 439 of Cr.P.C., and the same was dismissed on 20.7.2017.

5. A perusal of the record reveals that the petitioner is native of Kumba, Yaounde, Cameroon Nationality, Central African country and the investigation is in progress. The record further reveals that the petitioner has been residing in India, even after expiry of Visa. As rightly pointed out by the learned Additional Public Prosecutor, if the petitioner is released on bail, the possibility of tampering with the prosecution evidence cannot be ruled out, in view of pendency of investigation.

6. Taking into consideration the nature of the offences alleged to have been committed by the petitioner, this court is of the view that it is not a fit case to grant bail to the petitioner.

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

August 21, 2017
YS

T.SUNIL CHOWDARY, J