

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Criminal Petition No.11331 of 2017

ORDER:

This Criminal Petition, under Section 439 of the Code of Criminal Procedure, 1973, is filed by the petitioners/accused Nos.1 and 2, for grant of bail in connection with Crime No.917 of 2017 on the file of the Miyapur Police Station, Ranga Reddy District, registered for the offences punishable under Section 18(b) read with 8(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS Act).

2. Heard the learned counsel for petitioners/accused Nos.1 and 2, learned Additional Public Prosecutor representing the respondent-State and perused the record.

3. The learned counsel for petitioners/accused Nos.1 and 2 would submit that the petitioners/accused Nos.1 and 2 are innocent persons and falsely implicated in this case. It is alleged that 1070 grams of Opium was seized from the possession of petitioners/accused Nos.1 and 2, which is totally false and it is below the commercial quantity. The allegation that 250 grams of Opium was mixed with the sugar sauce and was being sold at the rate of Rs.1,500/- per gram is also false and ultimately prayed to allow the application.

4. On the other hand, the learned Additional Public Prosecutor opposed for grant of bail to the petitioners/accused Nos.1 and 2 stating that investigation is in progress, FSL Report is not received and only four witnesses are examined.

5. The material on record reveals that petitioner/accused No.1 was procuring Opium from Rajasthan from accused No.3 with the help of accused No.2 he was mixing the liquid Opium with sugar sauce and was selling the same at the rate of Rs.1,500/- per gram. In that process, 250 grams of liquid Opium was said to have been purchased from the accused No.3 and it is mixed with one kilogram of sugar and thereafter, it is sold at the rate of Rs.1,500/- per gram. Only four witnesses were examined till now. FSL Report is not received. The allegations are grave. Even if it is assumed that the contraband seized is below the commercial quantity, but since the allegations are grave in nature and investigation is in progress, it is not appropriate to enlarge the petitioners/accused Nos.1 and 2 on bail at this stage.

6. Hence, the Criminal Petition is dismissed.

Miscellaneous petitions, if any, pending in this Criminal Petition, shall stand closed.

Dr. SHAMEEM AKTHER, J

29th November, 2017
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