

**HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH**

WEDNESDAY, THE SIXTH DAY OF DECEMBER,
TWO THOUSAND AND SEVENTEEN

:PRESENT:

THE HON'BLE DR JUSTICE SHAMEEM AKTHER

CRLP .NO:11930 of 2017

Between:

Mohammed Dasthageer, S/o. Late Mohd Akbar Ali,

..... Petitioner/A-2

AND

The State of Telangana, Represented by Special Public Prosecutor,
For Narcotics Control Bureau, Intelligence Officer, Narcotics Control Bureau,
No. 13-6-826/1/A/1/A, Babunagar, Opp. Pillar No.107 of PVNR Express Way
Ring Road, Attapur, Post. Golconda, Hyderabad - 500008.

.....Respondent/Complainant

Petition under Section 437 & 439 of Cr.P.C, praying that in the circumstances stated in the memo of grounds filed herein, the High Court may be pleased may be pleased to release the petitioner on bail in SC No. 97 of 2017 in the Court of the Metropolitan Sessions Judge, Cyberabad at L.B. Nagar, arising out of Cr.No. NCB No. 48/1/1/2017/HYD/SUB-ZONE of Narcotics Control Bureau, Hyderabad, pending trial.

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 M/S T V Sri Devi, Advocate for the Petitioner, and Sri Gopala Krishna Gokhale, SC for Narcotics Control Bureau for Respondent (TG), the Court made the following.

ORDER:

This petition is filed under Section 439 Cr.P.C. to grant bail to the petitioner-A2 for the offences alleged under Sections 22 (C) 28, 29 and 31 of NDPS Act as amended in 2001.

2. Heard learned counsel for the petitioner-A2, learned Special Public Prosecutor representing the State and perused the record.

3. Learned counsel for the petitioner-A2 would submit that the petitioner-A2 is innocent person and falsely implicated in this case. He was arrested at

Mahabubnagar and brought to Attapur cross-roads, Hyderabad. It is brought to the notice of this Court that the mother of the petitioner-A2 died in the early morning of day before yesterday. An affidavit to that effect was filed by the brother of the petitioner-A2 and ultimately, prayed to allow the petition.

4. On the other hand, learned Special Public Prosecutor opposed the grant of bail to the petitioner-A2.

5. The material placed on record reveals that on 05.03.2017 at 10.00 hours, when the Narcotics Control Bureau officers kept a watch, they found A1 in this case handing over 22.106 Kgs of Alprazolam to the petitioner-A2 and A3. Then the petitioner-A2 and other accused were apprehended under a cover of mediation panchanama. Alprazolam weighing 22.106 Kgs was seized by following the due procedure. The petitioner-A2 and other accused were arrested and remanded to judicial custody on the same day. 100 grams of Alprazolam consists of commercial quantity. The allegations are grave. The investigation is in progress. It cannot be said that the petitioner-A2 is falsely implicated in this case. It cannot be held that the petitioner-A2 would not indulge in similar offence. Therefore, he is not entitled for bail under Section 439 Cr.P.C.

6. Having regard to the submissions made by the learned counsel for the petitioner-A2 with regard to the death of the mother of the petitioner-A2, the petitioner-A2 is granted interim bail for a period of one week commencing from 07.12.2017 to 14.12.2017 on his executing a personal bond for Rs.25,000/- (Rupees twenty five thousand only) with two sureties each in a like sum to the satisfaction of Judicial Magistrate of I Class, Upperapally, Hyderabad. On completion of interim bail as

indicated above, the petitioner-A2 shall surrender before the Superintendent of Jail concerned on 15.12.2017.

7. Accordingly, the Criminal Petition is ordered.

ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To

1. The Judicial Magistrate of First Class, Upperpally, Hyderabad
2. The Metropolitan Sessions Judge, Cyberabad at L.B. Nagar,
3. The Superintendent, Central Prison, Cherlapally, Hyderabad
4. The Intelligence Officer, Narcotics Control Bureau, No. 13-6-826/1/A/1/A, Babunagar, Opp. Pillar No.107 of PVNR Express Way Ring Road, Attapur, Post. Golconda, Hyderabad - 500008.
5. Sri Gopala Krishna Gokhale, SC for Narcotics Control Bureau (TG), High Court, Hyderabad (OUT)
6. One CC to M/S T V Sri Devi, Advocate (OPUC)
7. One spare copy

Skm



HIGH COURT

DR. SA,J

Drafted by: skm
Drafted on: 06-12-2017

DATE: 06-12-2017

ORDER

CRL.P. No. 11930 of 2017

DIRECTION

