

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

MONDAY, THE TWENTY SECOND DAY OF OCTOBER, TWO THOUSAND AND
EIGHTEEN

: PRESENT :
THE HONOURABLE DR JUSTICE SHAMEEM AKTHER

CRLP.No. 10648 of 2018

Between:-

Brij Raj Singh, S/o. Late Prithvi Raj Singh.

..... Petitioners/Accused No. 2.

AND

The State of Telangana, Rep. by its Public Prosecutor,
High Court at Hyderabad.

.....Respondent/Complainant.

Petition filed under Section 438 of Cr.P.C. praying that in the circumstances stated in the Grounds of Criminal Petition, the High Court may be pleased to grant anticipatory bail to the Petitioner by directing the Police Prohibition and Excise, Dhoolpet, to enlarge the petitioner on bail in the event of his arrest in Crime No. 149 of 2018 (Prohibition & Excise Station - Dhoolpet - Hyderabad) pending investigation, enquiry and trial.

These petition coming on for hearing, upon perusing the memorandum of grounds filed in support thereof and upon hearing the arguments of Sri K. Venkat Rao, Advocate for the Petitioner and of Additional Public Prosecutor(TS) on behalf of Respondent-State, the Court made the following

ORDER :-

"This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973, is filed by the petitioner/A.2, for grant of bail in Crime No.149 of 2018 of Prohibition and Excise Station, Dhoolpet, Hyderabad, registered for the offence punishable under Section 8(c) read with Section 20(b)(ii)(B) of NDPS Act.

2. Heard the learned counsel for the petitioner/A.2 and the learned Additional Public Prosecutor representing the respondent-State and perused the record.

3. The learned counsel for the petitioner/A.2 would submit that ganja weighing 3.750 kgs was seized from the possession of A.1. The petitioner/A.2 is 72 years old and suffering from health problems. There are strained relations between A.1 and petitioner/A.2. Out of vengeance, the petitioner/A.2 is implicated by A.1 and ultimately, prayed to allow the petition.

4. The learned Additional Public Prosecutor opposed the grant of bail to the petitioner/A.2.

5. As per the record placed before this Court, on 17.04.2018, 3.750 kgs of ganja was seized from the possession of A.1. A.1 was remanded to judicial custody and was enlarged on bail. In the confession of A.1, it has come up that the petitioner/A.2 supplied ganja to him. The petitioner/A.2 had given the details of the suit filed i.e., O.S.No.547 of 1998 and obtaining a decree against Sardar Singh and his other family members. Aggrieved by the said decree, the petitioner is said to have been falsely implicated in this case. Further, the petitioner/A.2 has filed this petition stating that he is 73 years old and is suffering from heart problem. Under these circumstances, the petitioner/A.2 can be granted bail under Section 438 Cr.P.C. on some conditions.

Contd.2..

6. The petitioner/A.2 is directed to surrender before the Station House Officer, Prohibition and Excise Station, Dhoolpet, Hyderabad, within 15 days from the date of this order. On such surrender, the Station House Officer shall release the petitioner/A.2 on bail on his executing personal bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) with two sureties in a like sum each to his satisfaction. On such release, the petitioner/A.2 shall report before the said Station House Officer, on every Sunday between 09:00 AM and 11:00 AM, till filing of the charge sheet. The petitioner/A.2 shall also abide by the conditions stipulated in Section 438(2) Cr.P.C., and shall cooperate with the investigating officer in investigation of the case.

7. The Criminal Petition is, accordingly, allowed.

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

//TRUE COPY//

SD/- M. MANJULA
ASSISTANT REGISTRAR

for ASSISTANT REGISTRAR

To

1. The Additional Metropolitan Sessions Judge, Hyderabad.
2. The Station House Officer, Prohibition & Excise Station, Dhoolpet, Hyderabad.
3. Two CCs to the Public Prosecutor(TS), High Court at Hyd.(OUT).
4. One CC to Sri K. VenkaL Rao, Advocate(OPUC)
5. One spare copy.

TKK

HIGH COURT

DR.SA.J

DT.22-10-2018.

ANTICIPATORY
BAIL ORDER

CRLP .No. 10648 of 2018

RELEASE THE PETITIONER/ACCUSED NO. 2
ON BAIL IN THE EVENT OF
HIS ARREST

