

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**TUESDAY, THE EIGHTEENTH DAY OF JUNE
TWO THOUSAND AND NINETEEN**

**:PRESENT:
THE HON'BLE JUSTICE G SRI DEVI
CRIMINAL PETITION NO: 2989 OF 2019**



Between:

Padiyamaal Haldhar, S/o. Nagan Haldhar,

....Petitioner/Accused No.3

AND

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

....Respondent

Petition under Sections 437 & 439 of Cr.P.C, praying that in the circumstances stated in the affidavit filed in support of the Criminal Petition, the High Court may be pleased to enlarge the Petitioner/accused No.03 on bail in Crime No. 137/2019 on the file of the P.S.Bhadrachalam Town dated 14.05.2019

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of MR.N.MURALI MANOHAR REDDY Advocate for the Petitioner and PUBLIC PROSECUTOR (TG) for the Respondent, the Court made the following.

ORDER

THE HON'BLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.2989 OF 2019

ORDER:

The petitioner, who is Accused No.3, has filed the present application under Sections 437 and 439 of Cr.P.C., seeking enlargement on bail in Crime No.137 of 2019 of Bhadrachalam Town Police Station, Bhadrachalam District, registered for the offence punishable under Section 8(c) read with Section 20(B) of Narcotic Drugs and Psychotropic Substances Act, 1985.

2. The facts on record would disclose that on 14.05.2019 at 6.00 p.m., the Sub-Inspector of Police, Bhadrachalam Town Police Station, along with his staff, while conducting vehicle check at Election Check Post, Kunavaram Road, Bhadrachalam, conducted checking of one RTC Bus bearing Service No.1234 (TS 34Z 0017) of Parigi Depot coming from Kunavaram side to Bhadrachalam, and seized huge quantity of Ganja from Accused Nos.1 to 5. Basing on the confession and seizure panchanama, the police have registered the aforesaid crime against A.1 to A.5 for the aforesaid offences under the NDPS Act.

3. It is contended that the alleged Ganja seized from the possession of the petitioner/A.3 is only 12.4 kgs and, in fact, the petitioner is nothing to do with the alleged offence. It is further contended that though it is alleged that the petitioner/A.3 was apprehended in the RTC Bus belonging to Parigi Depot, the police did not produce any bus ticket seized either from the petitioner or any other accused in the present crime. It is further contended that the petitioner/A.3 is a daily wage labourer living in Bhadrachalam and

he never indulged in any crime and this is the first case registered against him and he is nothing to do with the alleged seized Ganza and the Police apprehended him on the road and falsely implicated in the present crime. It is further contended that no specific allegations are made against A3 in the above crime with regard to the alleged contraband, except stating that the same is recovered from him. It is contended that petitioner/A.3 was arrested and produced before the Magistrate concerned on 15.05.2019 and since then he is languishing in judicial custody. It is also submitted that the earlier bail application filed by the petitioner was dismissed by the Court below vide order dated 4.6.2019 in CrI.MP.No.425 of 2019.

4. According to the learned counsel for the petitioner/A3, nothing has been seized from the possession of petitioner/A3 and investigation is completed and in view of the same, there is no justification to continue the petitioner in judicial custody.

5. The learned Additional Public Prosecutor vehemently opposed the above bail application on the ground that petitioner/A.3 belongs to Maharashtra State and if he is released on bail, there is every chance of his absconding and, therefore, the police requires the custody of the petitioner. According to the learned Additional Public Prosecutor, if the petitioner is released, he may indulge in similar activities.

6. By taking into consideration the facts and circumstances of the case, since the co-accused in the above crime was already released on bail and the alleged contraband seized from the possession of A3 is only 12.4 kgs., I am inclined to release the petitioner/A3 on bail.

7. Accordingly, the Criminal Petition is allowed and the petitioner/A3 shall be released on bail on the following terms and conditions:

- (i) The petitioner/A3 is directed to be enlarged on bail upon furnishing a personal bond for a sum of Rs.15,000 (Rupees fifteen thousand only) with two local sureties for a like sum each to the satisfaction of the learned Judicial First Class Magistrate, Bhadrachalam.
- (ii) The petitioner/A3 shall report before the Station House Officer, Bhadrachalam Town Police Station, on every Saturday between 9.00 a.m. and 10.00 a.m.
- (iii) That the petitioner/A3 shall not indulge in any similar type of activities, in future.
- (iv) That the petitioner/A3 shall not tamper with the prosecution witnesses and shall cooperate with the investigation agency.

As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

//TRUE COPY//

SD/- CH.VENKATESWARLU
ASSISTANT REGISTRAR

For ASSISTANT REGISTRAR

To

1. The Special Sessions Judge for the Trial of Cases under Narcotic Drugs and Psychotropic Substances Act-cum-I Additional Sessions Judge at Khammam
2. The Judicial First Class Magistrate at Bhadrachalam.
3. The Superintendent, District Jail, Khammam
4. The Station House Officer, Bhadrachalam Town Police Station, Bhadrachalam District
5. One CC to SRI. N MURALI MANOHAR REDDY Advocate (OPUC)
6. Two CCs PUBLIC PROSECUTOR (TG), High Court at Hyderabad (OUT)
7. One spare copy

HIGH COURT

GSD,J

DATED: 18.6.2019

CRL.P.NO.2989 OF 2019

BAIL

