

HONOURABLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No. 4107 of 2019

ORDER:

1. The petitioner/accused No.4 has filed the present application under Sections 437 and 439 of Criminal Procedure Code, seeking enlargement on bail in N.C.B F.No.48/1/3/2019/NCB/Sub Zone/ Hyderabad of NCB, Sub Zone, Hyderabad, registered for the offences punishable under Section 8 (c) read with Section 22 (c), 28 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.
2. The case of the prosecution is that basing on the specific information that four persons are going to exchange about 10 kgs. of Alprazolam drug in their cars near a park in Aparna Palm Groove Venture, near plot No.173-187 signboard, Phase-III, Kompalle, Medchal, on 13.05.2019, the NCB team mounted physical surveillance in and around Aparna Palm groove locality. At about 13.00 hours, three cars bearing Nos. AP 37 BD 0099 (Hyundai Verna), TS08FQ1189 (Hyundai Creta) and TS 08 FS 234 (Suzuki Brezza), reached Aparna Palm Groove venture within five minutes time one by one and were seen moving towards the said park and halted together near plot No.173-187 signboard. There were three persons including driver in Suzuki Brezza, one person in Hyundai Verna and one person in Hyundai Creta. Then two persons, who got down from Brezza vehicle took out a green colour plastic gunny

bag from dickey of the car and handed over it to the person, who got down from Verna car, who inturn handed over the same to the person, who got down from Creta car. When the bag was put inside the dickey of Creta car and closed, the NCB officials surrounded the said vehicles and recovered 9.92 kgs. of Alprazolam. When the said persons were examined under Section 67 of the Act, they admitted about their involvement in the procurement, transport and sale of Alprazolam and that they did the same for earning easy money. Basing on the seizure, the NCB officials registered the above case.

3. Heard learned Counsel for the petitioner and learned Special Public Prosecutor appearing for Narcotic Control Bureau (hereinafter referred to as "NCB"), Hyderabad.

4. It has been submitted by the learned Counsel for the petitioner/accused No.4 that the petitioner has nothing to do with the offence and he has been falsely implicated in the above case only to harass him. He further submits that even according to the complaint, the role of the petitioner is not mentioned. The respondent has completed the entire investigation. Hence, the custody of petitioner may not be warranted. It is further submitted that the petitioner would abide by the conditions imposed in the event of his release on bail.

5. The respondent filed counter, vehemently opposing the bail application stating that the petitioner along with accused No.2, were

proceeding to the scene of offence in Brezza car and handed over the said contraband to accused No.3, who inturn handed over the same to accused No.1. The petitioner has important role in procuring, transporting and sale of the commercial quantity of Alprazolam. It is further stated that as per the voluntary statement of accused Nos.4 and 5 that accused No.4 has received 30 kgs. of Alprazolam from accused No.5, out of which 10 kgs., of Alprazolam was handed over to accused No.2 in the morning of 13.05.2019.

6. Admittedly, huge quantity of Alprazolam weighing about 9.92 Kgs, was seized. According to his own statement, the petitioner/accused No.4 has received 30 kgs. of Alprazolam, which is more than commercial quantity from accused No.5, out of which 10 kgs., of Alprazolam was handed over to accused No.2 in the morning, thereafter he along with accused No.2 were proceeding to the scene of offence in Brezza Car to hand over the said contraband to accused No.3.

7. Having regard to the nature of allegations levelled against the petitioner/A.4 and as the petitioner has played a pivotal role in procuring, transporting and sale of the commercial quantity of Alprazolam, I am not inclined to grant bail to the petitioner/A.4.

8. Accordingly, the Criminal Petition is dismissed.

JUSTICE G. SRI DEVI

02.08.2019
Gkv/Gsn.

