

THE HON'BLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.5462 OF 2019

ORDER:

The petitioner, who is accused No.1, filed the present application under Sections 437 and 439 Cr.P.C., seeking enlargement on bail in S.C.No.96 of 2017 on the file of the Metropolitan Sessions Judge, Cyberabad-cum-I Additional District and Sessions Judge, Ranga Reddy District at L.B.Nagar.

A charge sheet came to be filed against the petitioner/accused No.1 and others for the offences punishable under Sections 22 (c) 25, 27-A, 28, 29 and 32-B of the N.D.P.S.Act, 1985 and Section 464 of I.P.C. The petitioner was arrested on 04.10.2016 and since then he is in jail.

The case of the prosecution in brief is that A.2 and A.3 in Sessions Case No.96 of 2017 were apprehended with 231.015 Kgs of Amphetamine, a psychotropic substance, in their possession. The role of the petitioner/A.1, who is working in Indian Air Force, in the manufacture and trafficking of this psychotropic substance, came to light during the interrogation of A.2 and A.3. The petitioner-A.1 was accordingly served with summons under Section 67 of the NDPS Act and he appeared before the Narcotics Control Bureau, Hyderabad (NCB), on 03.10.2016. Based on the voluntary statement allegedly made by him on 04.10.2016, the petitioner-A.1 was arrested on the

said day. Thereafter, on 26.10.2016, an independent source informed the NCB that a house was taken on rent by the petitioner-A.1 at Vayupuri in Sainikpuri, Secunderabad, and a team of officers from the NCB proceeded to this rented accommodation of the petitioner-A.1 and conducted search and seizure operations in accordance with the due procedure. In the course thereof, 9.1 Kgs of Amphetamine was seized along with various items, which were indicative of manufacture of this psychotropic substance having been undertaken in the said rented accommodation. Basing on the above allegations, the petitioner was arrayed as accused No.1.

Learned Special Public Prosecutor for NCB filed counter contending that the petitioner/accused No.1 voluntarily admitted about his involvement in manufacturing the contraband. The petitioner/accused No.1 is not only instrumental in the conspiracy involved but also a material accomplice. The petitioner/accused No.1 has committed heinous crime against the society, as such he is not entitled for bail and if the petitioner is released on bail, he may flee to another State and may not turn up for prosecution and he may indulge in similar drug crimes. It is further submitted that the quantity seized from the rented premises of the petitioner/accused No.1 was far in excess of commercial quantity.

Heard learned Counsel for the petitioner and learned Special Public Prosecutor appearing for the respondent-NCB.

Learned Counsel for the petitioner mainly submits that the petitioner has been in judicial custody for about 3 years and moreover, all the witnesses were examined and charge sheet was filed, which was taken cognizance as S.C.No.96 of 2017. It is also submitted that the entire case against the petitioner is made based on the alleged voluntary statement and the same was retracted by the petitioner. Insofar as credibility of panchanama or panchas is concerned, it is highly doubtful and not credible and that too there is no panchanama against the petitioner. It is also stated that the petitioner was falsely implicated merely basing on the statement of co-accused only without any corroboration and material. The petitioner is a law abiding citizen and is ready to abide by any conditions that will be imposed by this Court and he will not tamper any evidence. It is further stated that accused No.3, from whose possession the narcotic substance seized, was already enlarged on bail and that the petitioner stands on a better footing than that of accused No.3.

Reiterating the contents of the counter, the learned Special Public Prosecutor appearing for the respondent/NCB would submit that the earlier bail applications filed by the petitioner/A1 were dismissed on merits and there are no changed circumstances from the date of dismissal of the earlier bail applications.

Admittedly, 231.015 kilograms of Amphetamine, a psychotropic substance, along with various items, was seized from

the possession of accused Nos.2 and 3, under a cover of panchanama. In the course of interrogation, it came to light that the petitioner/A1 is the person behind the manufacture and illegal transportation of the said contraband and that on his instructions only, accused Nos.2 and 3 were carrying on the said illegal activity. Apart from that the officials have seized 9.143 kilograms of Amphetamine from the rented premises of the petitioner/accused No.1 and on examination, the persons working in the rented premises of the petitioner/accused No.1, have stated about the petitioner/accused No.1 visiting the premises etc. Further, there are no changed circumstances from the date of dismissal of earlier bail applications of the petitioner/A1.

Therefore, by taking into consideration the nature of serious allegations made against the petitioner/accused No.1; the gravity of offence and since there are no changed circumstances from the date of dismissal of earlier bail applications, I am not inclined to grant bail to the petitioner/accused No.1.

Accordingly, this Criminal Petition is dismissed.

JUSTICE G. SRI DEVI

01.10.2019
gkv/Gsn.

