HON'BLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.5747 of 2019

ORDER :

This Criminal Petition under Section 438 of Cr.P.C. is filed by the petitioners/A6 to A8, seeking anticipatory bail in Crime No.247 of 2019 of Excise Police Station, Doolpet, Hyderbad, registered for the offence punishable under Section 8 (c) r/w 20 (b) (ii) (B) of NDPS Act, 1985.

2. The case of the prosecution is that on 12.04.2019 at 4.30 PM, on credible information, the Enforcement Officials kept watch on the house of A3 and after 10 minutes, A1 and A2 came to hand over Ganja cover to A3 and A4. When A3 and A4 came out of the house to collect Ganja packet, the officials surrounded A1 to A4 and seized 2 kgs of ganja from their possession. On enquiry, A2 confessed that they brought ganja from Vizag to sell it to needy customers. A2 also confessed that he purchased the ganja from A1 and A5 for Rs.5,000/- and sell it to A3, A4 and A6 to A8 for Rs.6,500/-.

3. It is submitted by the learned counsel for the petitioner that the petitioners are innocent persons and they have nothing to do with the alleged offence and they are law abiding citizens. It is further submitted that the petitioners are permanent residents of Hyderabad and if they are released on bail, question of jumping the bail does not arise. The petitioners undertook to abide by the conditions, which may be imposed by this Court if they are released on bail.

The petitioners are ready to co-operate with the Investigating Agency. It is further submitted that they are ready and willing to produce solvent sureties to the satisfaction of the Court in the event of granting bail to them.

4. As seen from the contents of the petition, it is clear that the accused brought Ganja from Vizag to sell the same to needy customers. A2 confessed that he purchased ganja from A1 and A5 for Rs.5,000/- to sell the same to A3, A4 and A6 to A8 for Rs.6,500/-. There is active involvement of the petitioners in purchasing ganja, which is prohibited contraband.

5. Learned Additional Public Prosecutor representing the State vehemently opposed the bail application.

6. Having regard to the nature of allegations leveled against the petitioners and the involvement of the petitioners in the alleged crime, I am not inclined to grant anticipatory bail to the petitioners.

7. Accordingly, the Criminal Petition is dismissed. However, the petitioners shall surrender before the concerned Court within 15 days from today and move bail application and the same may be considered in accordance with law. Miscellaneous petitions, if any pending, shall stand closed.

JUSTICE G. SRI DEVI

DATED: 20.09.2019.
Hsd

HIGH COURT FOR THE STATE OF TELANGANA
HYDERABAD