

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

**FRIDAY, THE SIXTH DAY OF DECEMBER
TWO THOUSAND AND NINETEEN**

**:PRESENT:
THE HON'BLE JUSTICE G.SRI DEVI
CRIMINAL PETITION NO: 6521 OF 2019**

Between:

V.Sathish Goud, S/o. V. Sanjeev Goud,

Petitioner/Accused

AND

**The State of Telangana, rep. by its Public Prosecutor, High Court of Telangana, at Hyderabad,
through PS Proh. & Excise, Quthbullapur, Medchal Malkajgiri District.**

Respondent/Complainant

Petition under Sections 437 & 439 of Cr.P.C, praying that in the circumstances stated in the petition and the grounds filed herein, the High Court may be pleased to enlarge the petitioner on bail in COR. No. 120 of 2019, dated 30-08-2019 on the file of Prohibition & Excise Quthbullapur, Medchal Malkajgiri District, for offence U/Sec. 8(c) R/w 22 (c) of NDPS Act, 1985;

Counsel for the Petitioner : SRI T.RAJINIKANTH REDDY

Counsel for the Respondent : ADDL. PUBLIC PROSECUTOR

The Court made the following;

HONOURABLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.6521 of 2019

ORDER:

The petitioner-accused filed the present application under Sections 437 and 439 of the Code of Criminal Procedure, seeking to grant bail to him in C.O.R.No.120 of 2019 on the file of Prohibition and Excise Police Station, Quthbullapur, Medchal, Malkajgiri District, registered for the offences under Sections 8(c) read with Section 22(c) of NDPS Act, 1985.

2. The case of the prosecution is that on 30.08.2019 at about 4.50 PM., on reliable information, the Prohibition and Excise Inspector along with the District Task Force Team, Medchal, conducted route watch from Bollaram to Kompally, stopped a vehicle bearing No.TS 10 EH 9839 (Omini Maruti White Colour), found the petitioner/accused and seized 220 grams of Alprazolam, 200 grams of lemon salt, 1 Kg of checkrin, 20 kgs of white paste along with the said vehicle from his possession under a cover of panchanama, and on enquiry, he revealed that he was transporting the said contraband illegally.

3. Learned counsel for the petitioner/accused submits that the entire story of the prosecution is false and baseless and the same is concocted in order to implicate the petitioner in the present crime and he never involved any such offence as alleged. He further submits that the present case has been foisted against the petitioner due to influence of his rival traders and that there is a contradiction

in the crime occurrence report and the remand report with regard to seizure of the contraband. He further submits that as per the provisions of NDPS Act, the police, after seizing the prohibited commodity, have to send the sample to the laboratory through the Court, but, even though FIR was registered on 30.08.2019, police have not sent the samples for chemical analysis immediately, which clearly shows that the police have not seized the said contraband from the possession of the petitioner. He further submits that the petitioner was arrested on 30.08.2019 and since then, he was in jail and that the entire investigation is completed, except filing of the charge sheet. He further submits that the petitioner is a law abiding citizen having no criminal antecedents and he is not at all connected with the alleged offence and he is ready to abide by any condition imposed by the Court in the event of his release on bail. He further submits that after testing two samples by the laboratory, two different opinions have been given in the said report, which shows that the petitioner is not in possession of the said contraband as alleged by the prosecution.

4. Learned Additional Public Prosecutor vehemently opposed to grant bail to the petitioner and contended that the contraband seized from the possession of the petitioner is higher than the commercial quantity. However, he conceded to the fact that charge sheet has already been filed and the petitioner is not having any previous criminal antecedents. He also admitted the fact that there are two different opinions in the FSL report about the presence of Alprazolam.

5. In view of the nature of allegations levelled against the petitioner/accused and other facts and circumstances of the case, without adverting to the merits of the matter, I am inclined to grant bail to him on certain terms and conditions.

6. Accordingly, the Criminal Petition is allowed and the petitioner/accused shall be released on bail on his executing a personal bond for a sum of Rs.20,000/- (Rupees twenty thousand only) with two sureties for a like sum each to the satisfaction of the XXI Metropolitan Magistrate, Medchal. Further, the petitioner/accused shall not indulge in any similar type of activities in future; shall not tamper with the prosecution witnesses and shall co-operate with the investigating agency; and shall not misuse the liberty granted to him. He shall personally appear before the Court on each date of hearing till conclusion of the trial.

7. As a sequel, miscellaneous applications, if any pending, shall stand closed.

//TRUE COPY//

SD/- B. SATYAVATHI
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The XXI Metropolitan Magistrate, Medchal.
2. The Metropolitan Sessions Judge, Cyberabad, Ranga Reddy District, L.B. Nagar.
3. The Station House Officer, Prohibition & Excise Police Station, Quthbullapur, Medchal Malkajgiri District.
4. The Superintendent, Cherlapally Prison, Cherlapally, Ranga Reddy District.
5. Two CCs to Public Prosecutor, High Court of Telangana, at Hyderabad (OUT)
6. One CC to Sri T. Rajinikanth Reddy, Advocate (OPUC)
7. one Spare Copy

HIGH COURT

GSD,J

DATE: 06-12-2019

ORDER

CRL.P. NO. 6521 OF 2019

BAIL

