

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
MONDAY, THE TWENTY FIFTH DAY OF NOVEMBER TWO THOUSAND AND
NINETEEN
:PRESENT:
THE HONOURABLE JUSTICE G SRI DEVI**

CRIMINAL PETITION NO: 6965 OF 2019

Between:

1. P. Sampath, S/o P. Rajaiah
2. Ch. Yakaiah, S/o Ch. Uppalaiah

Petitioners/A-1 & A-2

AND

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

Respondent/Complainant

Petition under Section 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 Petitioners/A-1 and A-2 on Regular Bail in connection the COR (Crime) No. 98 of 2019 on the file of P.S. Prohibition and Excise, Uppal, Medchal District

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of CH RAVINDER Advocate for the Petitioners, THE PUBLIC PROSECUTOR (TG) for the Respondent and the Court made the following.

ORDER

HONOURABLE JUSTICE G. SRI DEVI

CRIMINAL PETITION NO.6965 OF 2019

ORDER:

The petitioners/A-1 and A-2 filed the present Criminal Petition under Sections 437 and 439 of the Code of Criminal Procedure seeking to grant bail to them in C.O.R. (Crime) No.98 of 2019 of Prohibition & Excise Uppal P.S., Medchal District, which was registered for the offence punishable under Sections 8(C) read with 20(b)(ii)(c) of the NDPS Act, 1985.

However, the learned counsel for the petitioners/A-1 and A-2 has not pressed the Criminal Petition on behalf of the first petitioner/A-1 and seeks liberty to file fresh bail application for A-1. Accordingly, with regard to A-1, the Criminal Petition is dismissed as not pressed with liberty to file fresh bail application.

The allegation against the petitioners/A-1 and A-2 is that on 26-05-2019, on receipt of reliable information about illegal transportation of ganja, the police kept route-watch on the main road of Uppal to Nagole and found the petitioners on bike and on search, they were found in possession of 102 kgs dry ganja in 51 packets 2 kgs each and the police arrested them and seized the ganja.

Learned Additional Public Prosecutor opposed to grant bail to the second petitioner/A-2 and stated that FSL report is yet to be received.

It has been submitted by the counsel for the second petitioner/A-2 that the second petitioner/A-2 was implicated by

the police in a false criminal case only for statistical purpose. It is submitted that by virtue of his arrest, his family reputation is spoiled in the locality and they are unable to understand why he was implicated in a false case for the offences referred above and unable to digest for making him accused in the said offence and his family members are in deep sorrow by virtue of his arrest and false implication in the said case. Further while conducting search and seizure of the contraband, the police failed to follow the mandatory provisions of the NDPS Act and the registration of FIR itself is unsustainable. It is further submitted that the family of the second petitioner/A-2 is put to financial hardship since the second petitioner/A-2 is the sole bread-winner of his family. This is the third bail application and the second petitioner/A-2 has been languishing in jail since 25.05.2019 i.e. for more than six months. It is further submitted that investigation is completed and charge sheet is yet to be filed. The second petitioner/A-2 is a law-abiding citizen and is a permanent resident of the address mentioned in the cause-title and he is ready to abide by any condition that may be imposed by this Court in the event of his enlargement on bail and he will not misuse his freedom and prayed to enlarge him on bail.

Looking into the facts and circumstances of the case and taking into consideration the gravity of the offence alleged, I am inclined to grant bail to the second petitioner/A-2.

The Criminal Petition is partly allowed and the second petitioner/A-2 shall be released on bail on the following terms and conditions:

- (i) That the petitioner/A-2 shall execute a personal bond for Rs.25,000/- (Rupees twenty five thousand only) with two sureties for a like sum each to the satisfaction of the Special Judicial First Class Magistrate, Prohibition & excise-cum-XII Metropolitan Magistrate at L.B. Nagar.
- (ii) that the petitioner/A-2 shall not indulge in any similar type of activities, in future;
- (iii) that the petitioner/A-2 shall not tamper with the prosecution witnesses;
- (iv) that the petitioner/A-2 shall co-operate with the investigating agency.
- (v) that the petitioner/A-2 shall not misuse the liberty granted to him.
- (vi) that the petitioner/A-2 shall appear before the Court concerned personally on each date of hearing till conclusion of trial.

Miscellaneous applications pending, if any, shall stand closed.

SD/- B. SATYAVATHI
ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To,

1. The Special Judicial First Class Magistrate, Prohibition and Excise cum XII M.M. at L.B. Nagar
2. The Superintendent, Central Prison, Cherlapalli, Hyderabad
3. The Station House Officer, Prohibition & Excise, Uppal, Medchal District
4. One CC to SRI. CH RAVINDER Advocate [OPUC]
5. Two CC's to Public Prosecutor, High Court for the State of Telangana at Hyderabad (OUT)
6. One spare copy

Avs

HIGH COURT

GSDJ

DATED:25/11/2019

ORDER

CRLP.No.6965 of 2019



BAIL