

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

FRIDAY, THE THIRTEENTH DAY OF DECEMBER
TWO THOUSAND AND NINETEEN

:PRESENT:

THE HONOURABLE JUSTICE G SRI DEVI

CRL.P. NO: 7118 OF 2019

Between:

Sagiraju Prasad Varma, S/o. Venkata Satyanarayana Raju

..... Petitioner/A-3

AND

The Union of India, through Intelligence Officer, rep. by its Special Public
Prosecutor, Narcotic Control Bureau, Hyderabad Sub-Zone, Hyderabad

.....Respondent/Complainant

Petition under Sections 437 & 439 of Cr.P.C. praying that in the
circumstances stated in the petition filed herein, the High Court may be pleased
to enlarge the petitioner herein on bail in NCB F.No. 48/1/3/2019/NCB/SUB-
ZONE/HYD, Hyderabad, Narcotic Control Bureau, Hyderabad.

The petition coming on for hearing, upon perusing the Petition and
the grounds filed in support thereof and upon hearing the arguments of
Sri A Giridhar Rao, Advocate for the Petitioner~~s~~, and of Additional Public
Prosecutor for the respondent, the Court made the following.

ORDER

HONOURABLE JUSTICE G. SRI DEVI

CRIMINAL PETITION NO.7118 OF 2019

ORDER:

The petitioner/A-3 filed the present Criminal Petition under Sections 437 and 439 of the Code of Criminal Procedure seeking to grant bail to him in NCB.F.No.48/1/3/2019/NCB/Sub-Zone/Hyd., Hyderabad, which was registered for the offences punishable under Sections 8(c) read with 22(c), 28 and 29 of the NDPS Act.

The allegation against the petitioner/A-3 is that on 13.05.2019 at about 13.30 hours, at Aparna Palmgrove Venture near plot No.173-187 sign board at Kompalle Village in suburb of Hyderabad, the petitioner/A-3 along with three persons got down from Brezza Car along with contraband believed to be Alprazolam weighing about 9.920 kgs and handed over to A-1 and A-3 was accompanying with A-1 and acted as mediator, for small consideration, the officers of NCB found the contraband in the dicky of the Creta Car belonging to A-1 and after completing formalities of drawing samples and taking voluntary statements of the petitioner/A-3 and other accused, the authorities remanded them to judicial custody on 15.05.2019.

Learned Additional Public Prosecutor opposed to grant bail to the petitioner/A-3 stating that the bail application filed by the petitioner/A-3 is devoid of merits, as the panchanama dated 15.05.2019 reveals that during the contraband seizure procedure, three persons including the petitioner/A-3 were present and hence, the bail application has to be rejected.

Learned counsel for the petitioner/A-3 submits that the petitioner/A-3 is innocent of the allegations levelled against him and he is falsely implicated in this case, that the petitioner/A-3 went to the house of A-1 only to invite him for the cradle ceremony function of his grand son and the NCB officials, who were present at the house of A-1, implicated the petitioner/A-3 in the NCB case though he is no way concerned with the case and he is not in possession of any contraband. It is further submitted that the petitioner hails from a respectable family and he is no way concerned or connected with the NCB case and he was never involved or indulged himself in this kind of activity and absolutely he has no connection with the other accused and he is falsely implicated in the present case. It is further submitted that the Seizing Officer has not followed the mandatory provisions of Section 42 of the NDPS Act i.e. to inform his immediate superior officer, that as per panchanama, the Seizing Officer received information about the alleged drug trafficking and it is not mentioned in the panchanama as to who has delegated power to him to conduct search and seizure and to whom the Seizing Officer has informed. It is further submitted that the officers of the NCB have not followed the mandatory requirement under Section 50 of the NDPS Act and that the investigating agency has extracted the statement of the petitioner/A-3 on the basis of which, he was implicated in the present case by threat and coercion by taking him into their custody on 13.05.2019 itself. It is further submitted that the petitioner/A-3 has been in judicial custody for the last more than 174 days and he is the only earning member of his family. He has old aged parents aged about 81 years and 78 years,

who are bedridden and needs regular and constant assistance and the petitioner's presence is very much necessary. It is further submitted that the entire investigation in this case is almost completed except to get CFSL report and hence, the petitioner's detention is not necessary. The petitioner is ready to abide by any condition that may be imposed by this Court while enlarging him on bail and he is ready to co-operate with the investigating agency. Hence, it is prayed to consider the A-3/petitioner's application for 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 petitioner/A-3.

The Criminal Petition is allowed and the petitioner/A-3 shall be released on bail on the following terms and conditions:

- (i) That the petitioner/A-3 shall execute a personal bond for Rs.50,000/- (Rupees fifty thousand only) with two sureties for a like sum each to the satisfaction of the VI Additional Chief Metropolitan Magistrate, Nampally at Hyderabad. It is made clear that out of two sureties, one surety should be from the native place of the petitioner/A-3.
- (ii) That the petitioner/A-3 shall appear before the NCB officials on every Monday between 10 am to 5 pm for a period of two months and thereafter he shall personally appear before the Court concerned on each date of adjournment till the conclusion of the case without fail;
- (iii) that the petitioner/A-3 shall not indulge in any similar type of activities, in future; and if it is found in future that the petitioner/A-3 has indulged in similar type of activity, bail granted to him shall automatically stand cancelled;

- (iv) that the petitioner/A-3 shall not tamper with the prosecution witnesses;
- (v) that the petitioner/A-3 shall co-operate with the investigating agency.
- (vi) that the petitioner/A-3 shall not misuse the liberty granted to him.

Miscellaneous applications pending, if any, shall stand closed.

//TRUE COPY//

SD/- T. RANGA BABU
ASSISTANT REGISTRAR


SECTION OFFICER

To

1. The Metropolitan Sessions Judge, Hyderabad
2. The VI Additional Chief Metropolitan Magistrate, Nampally at Hyderabad
3. The Superintendent of Police, Chenchalguda Prison, Hyderabad
4. The Station House Officer, Narcotic Control Bureau, Hyderabad Sub-Zone, Hyderabad
5. Two CCs to the Public Prosecutor, High Court at Hyderabad (OUT)
6. One CC to Sri A Girdhar Rao, Advocate (OPUC)
7. One spare copy.

HIGH COURT

GSD,J

DATED: 13.12.2019

ORDER:

CRLP. NO:7118 of 2019

BAIL

