

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

**THURSDAY, THE TWENTY FIRST DAY OF NOVEMBER TWO THOUSAND AND
NINETEEN**

**:PRESENT:
THE HONOURABLE JUSTICE G SRI DEVI**

CRIMINAL PETITION NO: 7319 OF 2019

Between:

SARASWATI, W/o. Late Rajan Singh

Petitioner/Accused No.2

AND

The State of Telangana, Rep by its Public Prosecutor, High Court for the state of
Telangana at Hyderabad

Respondent/Complainant

Petition under Section 438 of Cr.P.C, praying that in the circumstances stated in the Criminal Petition, the High Court may be pleased to release the petitioner on bail in the event her arrest Crime No 357 of 2019 on the file of prohibition and excise station(Enforcement), Dhoolpet Hyderabad.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri A PRABHAKAR RAO, Advocate for the Petitioner, Addl. PUBLIC PROSECUTOR (TG) for the Respondent, the Court made the following.

ORDER:

HON'BLE JUSTICE G. SRI DEVI
CRIMINAL PETITION No.7319 of 2019

ORDER:

This Criminal Petition under Section 438 of Cr.P.C. is filed by the petitioner/A2 seeking anticipatory bail in Crime No.357 of 2019 on the file of Prohibition and Excise Station (Enforcement), Dhoolpet, Hyderabad, registered for the offence under Section 8(c) read with Section 20(b)(ii)(B) of NDPS Act, 1985.

2. It is alleged in the complaint that on 12.06.2019 at 4.00 PM., the Prohibition and Excise Inspector along with his staff, proceeded to H.No.13-1-571/A/59, Mangalhat, Dhoolpet, Hyderabad, and seized 2 kgs of dry ganja containing in yellow colour plastic cover and also Rs.13,500/- in blue colour bag from the possession of A1 under a cover of panchanama and at that time, A2 and A3 were absconding. The police drawn two samples under a cover of panchanama and thereafter, registered a case against A1 to A3.

3. Heard learned counsel for the petitioner/A2 as well as the learned Additional Public Prosecutor appearing for respondent/State. Perused the material on record.

4. Learned counsel for the petitioner/A2 submits that the petitioner has not committed any offence as alleged by the prosecution and that she did not supply any ganja to Mr.Rajasekhar or Raju Singh as alleged by the prosecution. He further submits that the petitioner has nothing to do with the seizure of ganja from the possession of A1 and that no ganja was seized from her possession or from her house. He further stated that the petitioner's name was

implicated only on the confession of A1 and that there is no material to connect her with the alleged offence. He further submits that the petitioner is aged 60 years and suffering from age old ailments such as high blood pressure, diabetic and heart problem. He further submits that the petitioner undertakes to cooperate with the police till conclusion of the trial and he shall abide by any condition imposed by this Court.

5. On the other hand, the learned Additional Public Prosecutor opposed the relief sought in the petition and contended that the petitioner was involved in similar type of offences and she is habitual offender and therefore, she is not entitled for anticipatory bail..

6. As seen from the criminal antecedents of the petitioner, she was involved in similar type of offences during the years 2016 and 2017 and she has not been involved in such offences within six months from the date of the present crime and that the alleged contraband i.e., 2 Kgs of dry ganja, was seized from the possession of A1 and no contraband was seized from the possession of the petitioner/A2. Thus, in view of the nature of allegations made against the petitioner and also considering her old age and health condition, I am inclined to grant anticipatory bail to the petitioner/A2 by imposing some conditions.

7. In the result, the criminal petition is allowed and the petitioner/A2 is directed to surrender before the Station House Officer, Prohibition and Excise Station (Enforcement), Dhoolpet, Hyderabad, within a period of 15 days from the date of this order. On such surrender, the said Station House Officer shall release the

petitioner/A2 on bail on her executing a personal bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties for a like sum each to his satisfaction. On such release, the petitioner/accused shall abide by the conditions stipulated in Section 438(2) Cr.P.C and co-operate with the investigating officer in investigating the case. Further, if the petitioner/A2 is found to be involved in similar type of offences in future, liberty granted to her shall stand cancelled automatically.

8. As a sequel, miscellaneous petitions pending, if any, shall stand closed.

//TRUE COPY//

SD/- B. SATYAVATHI
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Addl. Metropolitan Sessions Judge, Hyderabad.
2. The Station House Officer, Prohibition & Excise Station (Enforcement), Dhoolpet, Hyderabad.
3. One CC to SRI A PRABHAKAR RAO, Advocate [OPUC]
4. Two CCs to PUBLIC PROSECUTOR (TG), High Court at Hyderabad. (OUT)
5. One spare copy

HIGH COURT

GSD,J

DATED:21/11/2019

ORDER

CRLP.No.7319 of 2019

BAIL

