

**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: 7736 OF 2019**

Between:

Boda Suman, S/o. Bhav Singh,

Petitioner/Accused-2

AND

The State of Telangana, represented by its Public Prosecutor, High Court for the State of
Telangana at Hyderabad.

Respondent/Complainant

Petition under Section 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 release the petitioner
on bail in Crime No. 110 of 2019 on the file of Tekulapally Police Station, Khammam District.

Counsel for the Petitioner : SRI A.PRABHAKAR RAO

Counsel for the Respondent : ADDL. PUBLIC PROSECUTOR

The Court made the following;

HONOURABLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.7736 of 2019

ORDER:

The petitioner-A2 filed the present application under Sections 437 and 439 of the Code of Criminal Procedure, seeking to grant bail to him in Cr.No.110 of 2019 on the file of Tekulapally Police Station, Khammam District, registered for the offences under Sections 8(c) read with Section 20(b) of NDPS Act, 1985.

2. The case of the prosecution is that on 11.09.2019 at about 6.00 AM, while the S.I. of Police along with the other police was conducting vehicle check, they stopped an auto and found two plastic bags of ganja containing 10 packets weighing about 31 Kgs 165 grams, and on interrogation, A1 stated that he along with A2 was transporting ganja in order to sell the same at higher rate and thereafter, they seized the said ganja along with the auto under a cover of panchanama and registered the case against A1 and A2.

3. Learned counsel for the petitioner/A2 submits that the petitioner has not committed any offence as alleged by the prosecution and that no ganja was seized from his possession and he has nothing to do with the alleged seizure. He further submits that the petitioner is an agriculturist and was travelling in the said auto as passenger and that he has been falsely implicated in the present crime. He further submits that the entire investigation is completed, except filing of the charge sheet. He further submits that as A1 was already released on bail vide order dated 26.11.2019 in Cri.P.No.7416, petitioner/A2 is entitled to be

released on bail. He also submits that the petitioner shall abide by any condition imposed by the Court.

4. Learned Additional Public Prosecutor vehemently opposed to grant bail to the petitioner/A2.

5. As per the case of the prosecution, no contraband was seized from the possession of A2 and that as A1 was already released on bail, the petitioner's case stands on the same footing. Thus, in view of the nature of allegations levelled against the petitioner/A2 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/A2 shall be released on bail on his executing a personal bond for a sum of Rs.15,000/- (Rupees fifteen thousand only) with two sureties for a like sum each to the satisfaction of the I Additional Sessions Judge, Khammam. Further, the petitioner/A2 shall appear before the Station House Officer, Tekulapally Police Station, Khammam District, on every Sunday between 10.00 AM and 6.00 PM., till filing of charge sheet and cooperate with the investigating agency. Further, the petitioner/A2 shall not indulge in any similar type of activities in future; shall not tamper with the prosecution witnesses; 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.

SD/- B. SATYAVATHI
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. The I Addl. Sessions Judge, Khammam.
2. The Judicial First Class Magistrate, Yellandu, Khammam District.
3. The Station House Officer, Tekulapally Police Station, Khammam District.
4. The Superintendent, District Jail, Khammam.
5. Two CCs to Public Prosecutor, High Court of Telangana, at Hyderabad (OUT)
6. One CC to Sri A. Prabhakar Rao, Advocate (OPUC)
7. one Spare Copy

HIGH COURT

GSD,J

DATE: 06-12-2019

ORDER

CRL.P. NO. 7736 OF 2019

BAIL

