

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

TUESDAY, THE TENTH DAY OF MARCH

TWO THOUSAND AND TWENTY

:PRESENT:

THE HONOURABLE JUSTICE G SRI DEVI

CRL.P. NO: 551 OF 2020

Between:

Kongara Yesu, S/o Veeralah

..... Petitioner/Accused No.2

AND

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

.....Respondent

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 on bail in Crime No.112/2019 on the file of P.S.
Nekkonda, Warangal District.

The petition coming on for hearing, upon perusing the Petition and
the grounds filed in support thereof and upon hearing the arguments of
Sri T D Pani Kumar, Advocate for the Petitioner, and of Additional Public
Prosecutor for the respondent, the Court made the following.

ORDER

HONOURABLE JUSTICE G. SRI DEVI
CRIMINAL PETITION No.551 of 2020

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.112 of 2019 on the file of Nekkonda Police Station, Warangal District, registered for the offence under Section 8(c) read with Section 20(b)(ii)(c) of NDPS Act,1985.

2. The case of the prosecution is that on 09.12.2019 at 1610 hours, on credible information, the Sub-Inspector of Police along with his staff proceeded to Nehru Centre, Nekkonda, and on seeing them, three persons were trying to escape from the scene, but the police chased them and apprehended two persons, and on enquiry, they revealed their names and confessed that they were transporting dry ganja by train, and on search, the police seized total 60 Kgs of dry ganja worth Rs.1,20,000/- and sent the samples for Chemical Analysis Report.

3. Learned counsel for the petitioner/A2 submits that the petitioner is innocent of the alleged offences and he is running a small hotel on the main road and that there is no iota of any case against him. He further submits that the police had foisted a false case against the petitioner even though there is no involvement with the alleged contraband. He further submits that the petitioner has no criminal antecedents involving in similar type of offences. He also submits that the petitioner is ready and willing to abide by any condition imposed by this Court.

4. Learned Additional Public Prosecutor vehemently opposed to grant bail to the petitioner/A2 and submits that A1 and A2 were arrested and A3 was absconding in the present case. However, he submits that even if A1 to A3 were in possession of 60 Kgs ganja, it can be apportioned amongst all of them and it will not exceed 20 kgs of ganja, which is not commercial quantity.

5. In view of the nature of allegations levelled against the petitioner/A2 and as he is in judicial custody since 09.12.2019 and he has not involved in similar type of offences earlier, I am inclined to grant bail to him on certain terms and conditions.

6. The Criminal Petition is allowed and the petitioner/A2 shall be released on bail on the following terms and conditions:

- (i) That the petitioner/A2 shall execute 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 Judicial First Class Magistrate, Narsampet.
- (ii) that the petitioner/A2 shall appear before the Investigating Officer on 1st and 3rd Saturday of every month between 10.00 AM to 2.00 PM., till completion of investigation or filing of the charge sheet, whichever is earlier.
- (iii) that the petitioner/A2 shall appear before the Court concerned personally on each date of hearing till conclusion of trial.
- (iv) that the petitioner/A2 shall not indulge in any similar type of activities, in future;
- (v) that the petitioner/A2 shall not tamper with the prosecution witnesses;
- (vi) that the petitioner/A2 shall co-operate with the investigating agency.
- (vii) that the petitioner/A2 shall not misuse the liberty granted to him.

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

Sd/- K. AMMAJI
ASSISTANT REGISTRAR

SECTION OFFICER

//TRUE COPY//

To

1. The Sessions Judge for NDPS Cases-cum-I Addl. Sessions Judge, Warangal
2. The Judicial First Class Magistrate, Narsampet
3. The Superintendent, Central Prison, Rajahmundry District
4. The Station House Officer, Police Station, Nekkonda, Warangal District.
5. Two CCs to the Public Prosecutor, High Court at Hyderabad (OUT)
6. One CC to Sri T D Pani Kumar, Advocate (DPUC)
7. One spare copy.

HIGH COURT

GSD,J

DATED: 10.03.2020

ORDER:

CRLP. NO: 551 of 2020

BAIL

