

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**WEDNESDAY, THE TWENTY SIXTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY .**

**:PRESENT:
THE HON'BLE JUSTICE G.SRI DEVI**

CRIMINAL PETITION NOs: 721 & 1096 OF 2020

CRL.P. NO. 721 OF 2020:

Between:

Shaik Hathik, S/o Shaik Khader,

Petitioner/Accused No.4

AND

The State of Telanagana, Rep. by its Public Prosecutor, High Court of Telanagana ,Hyderabad.

Respondent/Complainant

Petition under Sections 437 & 439 of Cr.P.C, praying that in the circumstances stated in the petition and the grounds filed therein, the High Court may be pleased to enlarge the Petitioner/Accused No.4 in Crime No.510 of 2019 of PS Nacharam on bail on such condition or conditions as this Hon'ble Court may deem fit and proper in the interest of Justice.

CRIMINAL PETITION NO: 1096 OF 2020

Between:

1. Shaik Abdul Matheen, S/o Late Shaik Abdul Raheem.
2. Razak Khan, S/o Fareed Khan,

Petitioner/Accused Nos. 2 & 3

AND

The State of Telanagana, rep. by its Public Prosecutor, High Court of Telanagana, Hyderabad.

Respondent/Complainant

Petition under Sections 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 enlarge the Petitioners/Accused Nos.2 & 3 in Crime No.510 of 2019 of PS Nacharam on bail on such condition or conditions as this Hon'ble Court may deem fit and proper in the interest of Justice.

Counsel for the Petitioners (in both petitions) : SRI M.AMARNATH

Counsel for the Respondent (in both petitions) : ADDL. PUBLIC PROSECUTOR

The Court made the following;

THE HON'BLE JUSTICE G.SRI DEVI

CRIMINAL PETITION Nos.721 and 1096 of 2020

COMMON ORDER:

Since both these Criminal Petitions, under Sections 437 and 439 Cr.P.C., are filed by the petitioners/accused No.2 to 4 seeking to enlarge them on bail in respect of the same Crime, vide Crime No.510 of 2019 on the file of Nacharam Police Station, Rachakonda Commissionerate registered for the offences punishable under Sections 8(c) read with Section 20(b)(ii)(c) of NDPS Act, they are heard together and being disposed of by a common order.

2. Heard learned counsel for the petitioners, learned Additional Public Prosecutor appearing for the respondent-State and perused the record.

3. The case of the prosecution in brief is that since long time accused No.1 has been purchasing ganja from Visakhapatnam and was indulged in illegal transportation of the same to Maharashtra and about one year ago, accused No.4 got acquaintance with accused No.1 and since then, both used to meet regularly and about six months back, they got acquaintance with accused No.2 and informed accused No.2 that they will get ganja on lower price and advised him to sell the same in Maharashtra and accused No.2 in turn informed the same to accused No.3 and started transporting the ganja to Maharashtra and that on 25.10.2019, accused No.1 sent accused No.4 to Visakhapatnam, where accused Nos.2 to 4 purchased ganja weighing about 73 kgs from unknown person and

packed in seven luggage bags and on 26.10.2019 they reached L.B.Nagar and informed to accused No.1, who informed them to come to Nacharam and when accused Nos.3 and 4 went to Nacharam and were waiting for vehicle at Snehapur Bus stop along with ganja, in the mean time, the Police of Nacharam Police Station caught hold of them along with seven bags containing ganja in possession of accused No.2 and seized the same under the cover of panchanama.

4. Learned counsel appearing for petitioners submitted that the petitioners were said to have been found with seven bags of ganja total weighing about 73 kgs, out of which accused Nos.3 and 4 were alleged to have been found in possession of 20 kgs of ganja each while accused No.2 was alleged to have been found in possession of 30 kgs ganja; and that the petitioners were arrested on 26.10.2019 and have been languishing in jail since then. Learned counsel further submitted that as per the Remand Case Diary, it is evident that accused No.4 was implicated in this crime on the basis of the confessional statement of accused No.3 and that accused Nos.2 and 3 were remanded to judicial custody on the basis of their respective confessional statements. He further submitted that all the petitioners have been implicated on false assumptions of fact and in fact nothing was recovered from the possession of the petitioners; that a false recovery has been shown from the petitioners; that the petitioners were never involved in any criminal case and there are no criminal antecedents against the petitioners; and that all the

material witnesses have been examined in this case except filing of the charge sheet. He further submitted that the petitioners are ready to abide any conditions that may be imposed by this Court in the event of their enlargement on bail.

5. Learned Additional Public Prosecutor vehemently opposed to grant bail to the petitioners and submitted that accused No.1 is still absconding in this case and that even if the bail application of the petitioners is considered, since the petitioners belong to different States, stringent conditions may be imposed regarding furnishing of sureties.

6. Looking into the nature of allegations levelled against the petitioners and other facts and circumstances of the case, without adverting into the merits of the case, I am inclined to grant bail to the petitioners.

7. The Criminal Petitions are accordingly allowed subject to the following terms and conditions;

(i) The petitioners are directed to be released on bail on each of them furnishing a personal bond for a sum of Rs.20,000/- (Rupees Twenty thousand only) with two sureties for the like amount each to the satisfaction of the learned IV Additional Metropolitan Magistrate, Cyberabad at L.B.Nagar, out of which one surety of each of the petitioners shall be from their respective native places.

(ii) that the petitioners shall not indulge in any similar type of activities in future and in the event, the petitioners indulge in similar activities/offences in

future the liberty granted to them shall automatically stand cancelled.

(iii) that the petitioners shall not tamper with the prosecution witnesses;

(iv) that the petitioners shall co-operate with the investigating agency.

(v) that the petitioners shall not misuse the liberty granted to them.

8. Miscellaneous petitions, if any, pending in this criminal petition, shall stand closed.

SD/- CH. VENKATESHWAR
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The IV Addl. Metropolitan Magistrate cum IV Addl. Junior Civil Judge, Cyberabad, L.B. Nagar.
2. The Metropolitan Sessions Judge, Cyberabd, Ranga Reddy District, LB. Nagar.
3. The Superintendent, Cherlapally Central Jail, Ranga Reddy District.
4. The Station House Officer, Nacharam Police Station, Rachakonda.
5. Two CCs to Public Prosecutor, High Court of Telangana, at Hyderabad (OUT)
6. Two CCs to Sri M.Amarnath, Advocate (OPUC)
7. one Spare copy

HIGH COURT

GSD,J

DATE: 26-02-2020

ORDER

CRL.P. NOS. 721 & 1096 OF 2020

BAIL



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