

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

THURSDAY, THE FIFTH DAY OF MARCH
TWO THOUSAND AND TWENTY

:PRESENT:

**THE HONOURABLE JUSTICE G SRI DEVI
CRIMINAL PETITION NO: 739 OF 2020**

Between:

1. Rahul Kumar Chowdhary, son of Gulab Chand,
2. Vikky Kumar, son of Nandji,
3. Rohit Kumar, son of Gulab Chand Chowdhary,
4. Deepak Kumar, son of Ravindra Kumar Chowdhari,
5. Manish Kumar, son of Pumavasi Bhar,

Petitioners/Accused No.1 to 5

AND

The State of Telangana, represented by Public Prosecutor, High Court of Telangana, Hyderabad

Respondent/Complainant

Petition under Section 437 & 439 of Cr.P.C, praying that in the circumstances stated in the grounds filed in support of the Criminal Petition, the High Court may be pleased to enlarge the petitioners/A1 to A5 on bail in above Cr.No.257 of 2019 of P.S.Kazipet by ordering bail sureties to the satisfaction of Principal Judicial First Class Magistrate, Warangal in the interest of justice.

The petition coming on for hearing, upon perusing the Petition and the grounds filed in support thereof and upon hearing the arguments of SRI MANIK LAL YADAV Advocate for the Petitioners and the Additional PUBLIC PROSECUTOR for the sole Respondent, the Court made the following.

ORDER:

HONOURABLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.739 of 2020

ORDER:

The petitioners-A1 to A5 filed the present application under Sections 437 and 439 of the Code of Criminal Procedure, seeking to grant bail to them in Cr.No.257 of 2019 on the file of Kazipet Police Station, Warangal District, registered for the offence under Section 8 read with Section 20(b)(ii) of NDPS Act, 1985.

2. The case of the prosecution is that on 22.12.2019 at 0600 hours, while the Sub-Inspector of Police, Kazipet Police Station and his staff were conducting patrolling at main road, Kazipet, on credible information, they rushed to room Nos.105 and 206 of Madhu Lodge, where they found the accused possessing dry ganja, and on search, they seized 20 Kgs each from A1 and A2, 19 Kgs each from A3 and A4 and 13 kgs from A5 under a cover of panchanama in the presence of mediators.

3. Learned counsel for the petitioners/A1 to A5 submits that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He further submits that the alleged ganja recovered from each petitioner is less than the commercial quantity. He further submits that the petitioners are languishing in jail since 23.12.2019 and that the entire investigation is completed, except filing of charge sheet. He further submits that the petitioners are law abiding citizens of India and they are eking out their livelihood by doing private jobs and that they are ready to comply with all conditions imposed by this Court.

4. Learned Additional Public Prosecutor vehemently opposed to grant bail to petitioners/A1 to A5 and submits that the police recovered 20 kgs of ganja each from A1 and A2, 19 kgs of ganja each from A3 and A4 and 13 kgs of ganja from A5. He further submits that the alleged recovery was made from all the petitioners at a time and that since the petitioners belong to State of Bihar, a stringent condition may be imposed against them to furnish sureties from their native place in order to secure their presence before the trial Court.

5. Having regard to the facts and circumstances and since the alleged ganja recovered from each petitioner is less than the commercial quantity, without adverting to the merits of the matter, I am inclined to grant bail to petitioners/A1 to A5 on certain terms and conditions.

6. The Criminal Petition is allowed and the petitioners/A1 to A5 shall be released on bail on the following terms and conditions:

- (i) That the petitioners/A1 to A5 shall execute a personal bond for a sum of Rs.15,000/- (Rupees fifteen thousand only) each with two sureties for a like sum each to the satisfaction of the Principal Judicial First Class Magistrate, Warangal. One of sureties of each petitioner shall be from their native place of Bihar State and such surety shall furnish an undertaking before the trial Court to secure the presence of accused on each date of hearing during trial.
- (ii) that the petitioners/A1 to A5 shall appear before the Court concerned personally on each date of hearing till conclusion of trial.
- (iii) that the petitioners/A1 to A5 shall not indulge in any similar type of activities in future.
- (iv) that the petitioners/A1 to A5 shall not tamper with the prosecution witnesses;

- (v) that the petitioners/A1 to A5 shall co-operate with the investigating agency.
- (vi) that the petitioners/A1 to A5 shall not misuse the liberty granted to them.

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

SD/- N. CHANDRASEKHARA RAO
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Judicial First Class Magistrate, Warangal
2. The Sessions Judge for NDPS Cases-cum- I Additional Sessions Judge, Warangal District.
3. The Superintendent Jail Warangal
4. The Station House Officer, P.S., Kazipet, Warangal District.
5. One CC to SRI. MANIK LAL YADAV Advocate [OPUC]
6. Two CCs to PUBLIC PROSECUTOR, High Court at Hyderabad. [OUT]
7. One Spare Copy

GR

HIGH COURT

GSDJ

DATED:05/03/2020

ORDER

CRLP.No.739 of 2020

BAIL

