

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

MONDAY ,THE TWENTY FOURTH DAY OF FEBRUARY

TWO THOUSAND AND TWENTY

:PRESENT:

THE HONOURABLE JUSTICE G SRI DEVI

CRIMINAL PETITION NO: 1109 OF 2020

Between:

Md.Umar, Son of Hazi, Aged about 25 years, Occ. Business, Resident of Kaiser Nagar Village, Main Road, Near Gajularamavaram, Qutbullapur, Hyderabad.

Petitioner/Accused No. 4

AND

State of Telangana, Represented by its Public Prosecutor , High Court Buildings, Hyderabad

.. **Respondent**

Petition under Section 437 and 439 of Cr P C, praying that in the circumstances stated in the memo of grounds filed in the Criminal Petition, the High Court may be pleased to enlarge the petitioner/ Accused No.4 on bail in Crime No.361/2019, on the file of Police Station Bhadrachalam Town dated 11.11.2019.

The petition coming on for hearing, upon perusing the Petition and memo of grounds filed in the Criminal Petition and the order of the High Court made herein and upon hearing the arguments of SRI J P SRIKANTH Advocate for the Petitioner, PUBLIC PROSECUTOR (TG) for the Respondent, the Court made the following.

ORDER:-

HONOURABLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.1109 of 2020

ORDER:

The petitioner-A4 filed the present application under Sections 437 and 439 of the Code of Criminal Procedure, seeking to grant bail to him in Cr.No.361 of 2019 on the file of Bhadrachalam Town Police Station, Bhadrachalam District, registered for the offence under Section 8(c) read with Section 20(b) of NDPS Act, 1985.

2. The case of the prosecution is that on 11.11.2019 at 8.00 hours, while the Sub-Inspector of Police along with his staff was conducting vehicle check at Forest Check Post, Bhadrachalam, they stopped one Toyota fortune car bearing No.AP 36-AG-0229 and white coloured Hyundai Verna Car bearing No.AP-29-AX-6940 and on search, they found 15 plastic packets of ganja in one car and 18 plastic packets of ganja in another car and the police seized the said ganja under a cover of panchanama.

3. Learned counsel for the petitioner/A4 submits that as per the remand case diary, no ganja was seized from the possession of petitioner/A4 and that A1, who had procured ganja, offered him that amount will be paid to him. He further submits that the petitioner has nothing to do with the alleged ganja and that there is no specific seizure of ganja from his possession. He further submits that the petitioner is a law abiding citizen and he is ready to furnish sufficient sureties to the satisfaction of the Court and he shall abide by any condition imposed by this Court.

4. Learned Additional Public Prosecutor opposed to grant bail to the petitioner/A4.

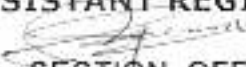
5. Having regard to the facts and circumstances and as there is no specific allegation that the petitioner was carrying ganja and even if it is assumed that the petitioner was also carrying ganja, it was hardly below the commercial quantity and A1 was already granted bail, without adverting to the merits of the matter, I am inclined to grant bail to the petitioner/A4 on certain terms and conditions.

6. The Criminal Petition is allowed and the petitioner/A4 shall be released on bail on the following terms and conditions:

- (i) That the petitioner/A4 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 Special Sessions Judge for Trial of Cases under Narcotic Drugs and Psychotropic Substance Act-cum-I Additional Sessions Judge, Khammam.
- (ii) that the petitioner/A4 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 charge sheet, whichever is earlier.
- (iii) Thereafter, the petitioner/A4 shall appear before the Court concerned personally on each date of hearing till conclusion of trial.
- (iv) that the petitioner/A4 shall not indulge in any similar type of activities in future.
- (v) that the petitioner/A4 shall not tamper with the prosecution witnesses;
- (vi) that the petitioner/A4 shall co-operate with the investigating agency.
- (vii) that the petitioner/A4 shall not misuse the liberty granted to him.

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

//TRUE COPY//

SD/- B. SATYAVATHI
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Special Sessions Judge for Trial of Cases under NDPS Act-cum-I Additional Sessions Judge, at Khammam.
2. The Station House Officer, Police Station, Bhadradi Kothagudem District.
3. The Superintendent District-Jail, Khammam.
4. One CC to SRI. J P SRIKANTH Advocate [OPUC]
5. Two C.Cs. to PUBLIC PROSECUTOR (TG), High Court for the state of Telangana at Hyderabad (OUT).
6. One spare copy.

Ags

HIGH COURT

GSDJ

DATED:24/02/2020

ORDER

CRLP.No.1109 of 2020



BAIL

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