

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**

CRIMINAL PETITION NO: 1482 OF 2020

Between:

1. Dishu Khila, Son of Dabala Khila.
2. Barna Khosla, Son of Baida.

Petitioner/Accused Nos.1 & 2

AND

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

Respondent/Complainant

Petition under Section 437 and 439 of Cr.P.C, praying that in the circumstances stated in the Criminal Petition, the High Court may be pleased to enlarge the petitioners/ Accused Nos.1 And 2 on bail in Crime No. 61/2020, on the file of Police Station Bhadrachalam Town dated 18.02.2020.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri J P SRIKANTH, Advocate for the Petitioners, Addl. PUBLIC PROSECUTOR (T.C) for the Respondent, the Court made the following.

ORDER:

HONOURABLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.1482 of 2020

ORDER:

The petitioners-A1 and A2 filed the present application under Sections 437 and 439 of the Code of Criminal Procedure, seeking to grant bail to them in Cr.No.61 of 2020 on the file of Bhadrachalam Town Police Station, Bhadradri-Kothagudem 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 11.02.2020 at 1700 hours, while the Sub-Inspector of Police along with his staff was conducting vehicle check near YSR Statute, old Vegetable Market area, they stopped a motor cycle and apprehended A1 and A2, who were carrying two parcels and on search, they seized 6 kgs of ganja and on enquiry, they stated that as per the order of A3, A1 and A2 purchased ganja from unknown persons and started from their village to Bhadrachalam where they apprehended. The police seized total 6 kgs of ganja and registered a case against A1 to A3.

3. Learned counsel for the petitioners/A1 and A2 submits that the petitioners have nothing to do with the alleged ganja and they never involved in any crime earlier and that the police have filed a false case against them. He further submits that the prosecution did not disclose as to how A3 has got acquaintance with petitioners/A1 and A2 and what amount was paid to them. He further submits that the petitioners are in judicial custody since 11.02.2020. He also submits that the petitioners are residing at Bhadrachalam by working as daily

wage labourers and they shall abide by any condition imposed by this Court.

4. Learned Additional Public Prosecutor vehemently opposed to grant bail to the petitioners and submits that the petitioners were transporting 6 kgs of ganja and that as they are native of Odisha State, if their bail application is considered, a stringent condition may be imposed to secure their presence before the trial Court.

5. Thus, in view of the nature of allegations levelled against the petitioners/A1 and A2 and as it is stated that they never indulged in similar type of activities and as the alleged ganja recovered from their possession is not commercial quantity, I am inclined to grant bail to them on certain terms and conditions.

6. The Criminal Petition is allowed and the petitioners/A1 and A2 shall be released on bail on the following terms and conditions:

- (i) That the petitioners/A1 and A2 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 Judicial First Class Magistrate, Bhadrachalam and one surety of each petitioner shall be from the native of Odisha State.
- (ii) that the petitioners/A1 and A2 shall appear before the Investigating Officer on 4th 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 petitioners/A1 and A2 shall appear before the Court concerned personally on each date of hearing till conclusion of trial.
- (iv) that the petitioners/A1 and A2 shall not indulge in any similar type of activities, in future;

- (v) that the petitioners/A1 and A2 shall not tamper with the prosecution witnesses;
- (vi) that the petitioners/A1 and A2 shall co-operate with the investigating agency.
- (vii) that the petitioners/A1 and A2 shall not misuse the liberty granted to them.

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

Sd/- LNAGA LAKSHMI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Special Sessions Judge for the Trial of Cases under Narcotic Drugs and Psychotropic Substances Act-cum-I Addl. Sessions Judge at Khammam.
2. Judicial First Class Magistrate, Bhadrachalam.
3. The Superintendent, District Jail, Khammam
4. One CC to SRI J P SRIKANTH, Advocate [OPUC]
5. Two CCs to Addl. PUBLIC PROSECUTOR (PG), High Court at Hyderabad (OUT)
6. One spare copy

HIGH COURT

GSD,J

DATED:10/03/2020

ORDER

CRLP.No.1482 of 2020

BAIL

