

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: 1526 OF 2020

Between:

1. Ganesh Mane, Son of Ankush Mane.
2. Ajay Gaikwad, Son of Vilas.
3. Anirudh Pawar, Son of Namdev Pawar.
4. Sik.Sajeed @ Raju, Son of Babu Lal
5. Adinadh, Son of Hariman.

Petitioner/Accused Nos.1 to 5

AND

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

Respondent/Complainant

Petition under Section 437 & 439 of Cr.P.C, praying that in the circumstances stated in the Criminal Petition, the High Court may be pleased to enlarge the petitioner/ Accused Nos.1 to 5, on bail in Crime No.71/2020, on the file of Police Station Bhadrachalam Town dated 17/02/2020.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri N MURALI MANOHAR REDDY, Advocate for the Petitioners, Addl. PUBLIC PROSECUTOR (TS) for the Respondent, the Court made the following.

ORDER:

HONOURABLE JUSTICE G. SRI DEVI
CRIMINAL PETITION No.1526 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.71 of 2020 on the file of Bhadrachalam Town Police Station, Bhadrachali-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 17.02.2020 at 1630 hours, while the Sub-Inspector of Police along with his staff was conducting vehicle check near CRPF Camp, they stopped a car bearing No.MH 12 PH 8596 and apprehended A1 to A5 and on search, they found two parcel packets containing 6 kgs of ganja, worth Rs.90,000/- and on enquiry, they stated that they purchased ganja from unknown persons at low price and after some period, they sold the same to needy persons at higher rate. The police seized the said ganja and registered a case against A1 to A5.

3. Learned counsel for the petitioners/A1 to A5 submits that the alleged seizure of ganja from the petitioners is false and that the police have falsely implicated them in the present crime. He further submits that petitioners belong to Maharashtra State and as they came to Sileru as visitors, they have not indulged in any business illegally. He further submits that the petitioners are permanent residents of Pune 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 Maharashtra 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 to A5 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 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.10,000/-(Rupees ten 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 Maharashtra State.
- (ii) that the petitioners/A1 to A5 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 to A5 shall appear before the Court concerned personally on each date of hearing till conclusion of trial.
- (iv) that the petitioners/ A1 to A5 shall not indulge in any similar type of activities, in future;
- (v) that the petitioners/A1 to A5 shall not tamper with the prosecution witnesses;
- (vi) that the petitioners/A1 to A5 shall co-operate with the investigating agency.

(vii) 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/- 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. The Judicial First Class Magistrate, Bhadrachalam.
3. The Superintendent, District Jail, Khammam
4. One CC to SRI N MURALI MANOHAR REDDY, Advocate [OPUC]
5. Two CCs to Addl. PUBLIC PROSECUTOR (79), High Court at Hyderabad. (OUT)
6. One spare copy

HIGH COURT

GSD,J

DATED:10/03/2020

ORDER

CRLP.No.1526 of 2020

BAIL

