

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

FRIDAY, THE FIFTH DAY OF JUNE
TWO THOUSAND AND TWENTY

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

CRIMINAL PETITION NO: 2307 OF 2020

Between:

1. Amit Ram Kale, S/o. Ram Kale,
2. Datta Babon Kale, S/o Baban Kale,

Petitioners/Accused No. 1 & 2

AND

The State of Telangana, Rep. by its Public Prosecutor, High Court at 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 release the Petitioner on Bail pending investigation, enquiry and trial in Crime No. 01 of 2020 of Warangal RPS Police Station, Secunderabad R.P. District, Telangana State, in the interest of justice.

The petition coming on for hearing, upon perusing the petition and the grounds filed therein, and upon hearing the arguments of Dr. Challa Srinivasa Reddy, Advocate for the Petitioners, and of the Public Prosecutor, for the Respondent, the Court made the following.

ORDER:

"This Criminal Petition, under Sections 437 and 439 of the Code of Criminal Procedure, 1973, is filed by the petitioners/A-1 and A2 seeking to grant bail to them in connection with Crime No.01 of 2020 on the file of Warangal Railway Police Station, Secunderabad District, registered for the offences punishable under Section 8 (c) read with Section 20(b) of NDPS Act, 1985.

2. Heard the learned counsel appearing for the petitioners/A-1 and A2, learned Public Prosecutor appearing for the respondent-State and perused the record.

3. Learned counsel for the petitioners/A-1 and A2 submits that the petitioners are innocent of the alleged offences and they have been falsely implicated in the crime for statistical purpose. He further submits that even as per the prosecution case, the alleged contraband seized from the possession of petitioners is 30 kgs of dry ganja, i.e., 15 kgs each, which is below the commercial quantity. He further submits that petitioners were arrested on 04.01.2020 and that the entire investigation is completed, except filing of the charge sheet. He further submits that the petitioners are ready to abide by any condition imposed by this Court.

4. Learned Public Prosecutor opposed the bail application, however, he submits that the petitioners/A1 and A2 belong to Maharashtra State, and if their bail application is

considered, stringent condition may be imposed in order to secure their presence during investigation and trial. He also submits that there are no criminal antecedents against the petitioners/A1 and A2.

5. Having regard to the facts and circumstances of the case and since the contraband seized from the possession of each petitioner is less than the commercial quantity and as it is represented that there are no criminal antecedents against the petitioners/A1 and A2, without adverting to the merits of the case, I am inclined to grant bail to them.

6. The Criminal Petition is accordingly allowed and the petitioners/A-1 and A2 are directed to be released on bail, subject to the following terms and conditions:

- (i) The petitioners/A-1 and A2 shall be released on bail on their executing a personal bond to the tune of Rs.25,000/- (Rupees twenty five thousand only) each with two sureties for a like sum each to the satisfaction of the Judicial First Class Magistrate for Railways, Kazipet, Telangana State. One of such sureties shall be from the native place of petitioners/A1 and A2 as mentioned in the cause title.
- (ii) After release, the petitioners/A1 and A2 shall appear before the Investigating Officer on last Saturday of every month till completion of investigation or filing of the charge sheet, whichever is earlier.
- (iii) The petitioners/A1 and A2 shall not interfere with the investigation, intimidate or induce the material witnesses and they shall cooperate with the investigating agency.
- (iv) The petitioners/A-1 and A2 shall not misuse the liberty granted to them.
- (v) The petitioners/A-1 and A2 shall personally appear before the Court concerned on each date of hearing.
- (vi) The petitioners/A-1 and A2 shall not indulge in similar type of activities in future.
- (vii) If any deviation of the aforesaid conditions, liberty granted to the petitioners/A1 and A2 shall stand cancelled automatically.

Miscellaneous applications, if any pending in this criminal petition, shall stand closed."

Sd/- JUSTICE G.SRI DEVI

//TRUE COPY//
P. Venkatesh
REGISTRAR (JUDICIAL-II)

[Signature]
SECTION OFFICER

To,

1. The Judicial First Class Magistrate for Railways, Kazipet, Telangana State
2. The Station House Officer, Warangal RPS Police Station, Secunderabad R.P. District, Telangana State
3. The Superintendent, Central Prison, Warangal.
4. Two CCs to Public Prosecutor, High Court of Telangana, at Hyderabad (OUT)
5. one CC to Dr. Challa Srinivas Reddy Advocate (OPUC)

HIGH COURT

GSD,J

DATE: 5-6-2020

ORDER

CRI.P. NO. 2307 OF 2020

BAIL

