IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
MONDAY, THE TWENTY FIRST DAY OF DECEMBER
TWO THOUSAND AND TWENTY
: PRESENT:

THE HON'BLE SRI JUSTICE K.LAKSHMAN

CRIMINAL PETITION NO: 5439 OF 2020

Between:
Suresh Sharma @ Suresh Kumar Sharma, S/o. Rameshwar Lal Sharma

Petitioner/Accused No. 4

AND
State by Station House Officer, Prohibition and Excise, Balanagar, Hyderabad. Rep. by Public Prosecutor High Court for the State of Telangana at Hyderabad.

Respondent/Complainant

Petition under Sections 437 & 439 of Cr.P.C, praying that in the circumstances stated in support of the Criminal Petition, the High Court may be pleased to enlarge the petitioner/accused No.4 on bail in Crime No.38/2020 of P.S Prohibition and Excise, Balanagar;

The petition coming on for hearing, upon perusing the Petition filed in support thereof and upon hearing the arguments of Sri S V Ramana Advocate for the Petitioner and of Public Prosecutor for the Respondent, the Court made the following.

ORDER

THE HONOURABLE SRI JUSTICE K. LAKSHMAN

CRIMINAL PETITION No.5439 OF 2020

ORDER:

This is an application for regular bail. The petitioner herein is accused No.4 in Crime No.38 of 2020 of Police Station, Prohibition and Excise, Balangar, Hyderabad. The offence alleged against the petitioner is under Section 8(c) read with 20(b) (ii) (B) of the N.D.P.S. Act, 1985.

2. Heard learned counsel for the petitioner and learned Public Prosecutor. Perused the record.

3. The allegation against the petitioner is that he is the Manager of A. K. Transport. He is relative of accused No.2, owner of M/s. VRL Packers and Movers. 321.8 kgs. dry ganja was seized from the possession of accused No.3. It is further alleged that at the instance of accused No.1, accused No.3 prepared fake transport bill in the name of M/s. Narayana Packers and Movers and transported 12 carton boxes of dry ganja weighing 320 kgs. by mentioning it as 190 kgs. The said M/s. VRL Packers and Movers is adjacent to M/s. A.K. Transport, in which the petitioner - accused No.4 is working as Manager. The respondent's officials, during search in M/s. A.K. Transport, found a consignment delivery copy given by M/s. VRL Packers and Movers represented by Nadunulla Khan alias Sameer alias Tiger and Sanjay Sharma alias Ajooba. Thus, the petitioner - accused No.4, Manager of M/s. A.K. Transport, connived with other accused, transporting the

ganja by showing less weight and prepared fabricated documents in collusion with M/s. VRL Packers and Movers.

4. On instructions, learned Public Prosecutor would submit that Investing Officer has recorded the statements of four witnesses including material witnesses. He would further submit that except this case, there is no other case pending against the petitioner for the offence under the provisions of the NDPS Act.

5. A perusal of remand report, *panchanama* and also crime occurrence report would reveal that contraband was seized from the possession of accused No.3. The allegation against the petitioner is that he being the relative of accused No.2, Manager of M/s. A.K. Transport, connived with other accused and transporting the ganja by showing less weight and also on the fabricated documents prepared by M/s. VRL Packers and Movers. Nothing was recovered from the possession of petitioner – accused No.4.

6. The police have arrested the petitioner on 04.09.2020. The Investigating Officer has recorded the statements of four witnesses including material witnesses.

7. Considering the above aspects, and also the fact that the petitioner is in jail from 04.09.2020, this Court is inclined to grant regular bail to the petitioner herein.

8. Accordingly, the Criminal Petition is allowed and the petitioner is granted regular bail subject to the following conditions:

i. The petitioner shall execute a personal bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) with two sureties for the like sum each to the satisfaction of the VII Metropolitan Magistrate, Ranga Reddy District at L.B.Nagar.

ii. The petitioner shall appear before the Station House Officer, Police Station, Prohibition and Excise, Balangar, Hyderabad, on everyday between 10.00 AM and 5.00 PM, till completion of investigation and filing of final report.

iii. The petitioner shall cooperate with the Investigating Officer.

Miscellaneous petitions pending, if any, shall stand disposed of.

Sd/- K.AMMAJI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Metropolitan Sessions Judge, Ranga Reddy District at L.B. Nagar, Hyderabad
2. The VII Metropolitan Magistrate, L.B. Nagar, Hyderabad
3. The Superintendent, Central Prison, Cherlapally, Ranga Reddy District
4. The Station House Officer, Prohibition and Excise Police Station, Balanagar, Hyderabad
5. One CC to Sri S V Ramana Advocate [OPUC]
6. Two CC to Public Prosecutor, High Court, Hyderabad (OUT)
7. One spare copy

Csk

HIGH COURT

KLJ

DATED:21/12/2020

ORDER

CRLP.No.5439 of 2020



CRL.P. ALLOWED