IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

MONDAY ,THE TWENTY FIRST DAY OF DECEMBER TWO THOUSAND AND TWENTY

:PRESENT:
THE HONOURABLE SRI JUSTICE K.LAKSHMAN

CRIMINAL PETITION NO: 5663 OF 2020

Between:

Saparvat Ray, S/o Sidupada Ray,

...Petitioner/Accused

AND

The State of Telangana, Rep. by its Public Prosecutor, High Court of Judicature at Hyderabad Through IV Town Police Station, Nizambad.

...Respondent/Complainant

Petition under Section 437 & 439 of Cr.P.C, praying that in the circumstances stated in the affidavit filed in support of the Criminal Petition, the High Court may be pleased to release the Petitioner/A-4 regular bail in Crime No 283 of 2020 on the file of the IV Town Police Station, Nizambad in the interest of justice;

The petition coming on for hearing, upon perusing the Petition and the grounds filed in support thereof and upon hearing the arguments of SRI V T KALYAN 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.5663 OF 2020

ORDER:

This is an application for regular bail. The petitioner is accused No.4 in Crime No.283 of 2020 pending on the file of IV Town Police Station, Nizamabad District., The offence alleged against the petitioner is under Section 20 (b)(ii)(c) read with 8 (c) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. Heard learned counsel for the petitioner/accused No.4, learned Public Prosecutor appearing for the respondent-State and perused the record.

3. In the remand report, it is stated that on 27.09.2020, on receipt of credible information about transporting of Ganja material by some persons in two vehicles of Odisha State, the respondent officials have proceeded to the scene and found white colour Hyundai make (i20 model) car bearing registration No.OD-10-J-7131 and another vehicle i.e., Mahindra make (Bolero maxi truck) bearing registration No.OD-30-B-8042, which are coming from Dichpally side. They have stopped and intercepted the said vehicles one after the other. In the said Remand Report, it is further mentioned that as per the request of accused No.1, accused No.4 has brought Hyundai make (i20 model) car bearing registration No.OD-10-J-7131 on hire basis to proceed to Nanded of Maharashtra State. Accused Nos.1 to 4 kept one Ganja bag in dikky of the car and boarded the car, whereas accused Nos.5 and 6 boarded Bolero vehicle and they have started from their village on

26.09.2020. The car is being driven by accused No.4, whereas Bolero vehicle is being driven by accused No.6.

4. Learned counsel for the petitioner/accused No.4 would submit that the petitioner is nothing to do with the Ganja seized and it is a matter to be investigated into by the Investigating Officer. 152 Kgs., of Ganja was seized from all the accused in Bolero vehicle and nothing was seized from Hyundai make (i20 model) car bearing registration No.OD-10-J-7131.

5. Learned Public Prosecutor, on instructions, would submit that the Investigating Officer has recorded the statements of four witnesses and some of the material witnesses and F.S.L report is pending. He would further submit that the petitioner has not involved in any other case for the offence under the provisions of the NDPS Act. The petitioner is from Odisha State.

6. A perusal of the record would reveal that the petitioner is a Government Teacher. The police have arrested the petitioner on 28.09.2020 and since then he is in jail. Nothing was seized from Hyundai make (i20 model) car bearing registration No.OD-10-J-7131. Whether the petitioner is having nexus with other accused is a matter to be investigated into by the Investigating Officer. The Investigating Officer has recorded the statements of four witnesses including some of the material witnesses.

7. Considering the fact that the petitioner/accused No.4 is in jail from 28.09.2020 and the fact that he is a Government Teacher, this Court is inclined to grant regular bail to the petitioner/accused No.4.

8. Accordingly, the Criminal Petition is allowed and the petitioner – accused No.4 is granted bail on the following conditions:

i) The petitioner – accused No.4 shall furnish personal bond for an amount of Rs.25,000/- (Rupees Twenty five thousand only) with two sureties, out of which one surety from his native place and other from local, for a like sum each, to the satisfaction of the Special Judicial Magistrate of First Class for Trial of Prohibition & Excise Court, Nizamabad.

ii) The petitioner – accused No.4 shall appear before the Station House Officer, IV Town Police Station, Nizamabad District, Hyderabad, on every Sunday between 10.00 a.m. and 5.00 p.m. till completion of investigation and filing of charge sheet.

iii) The petitioner – accused No.4 shall co-operate with the Investigating Agency.

Miscellaneous petitions pending, if any, shall stand closed.

SD/- CH.VENKATESWARLU
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Special Judicial Magistrate of First Class for Trial of Prohibition & Excise Court at Nizamabad
2. The Superintendent, District Jail, Nizamabad.
3. The Station House Officer, IV Town Police Station, Nizambad.
4. One CC to SRI. V T KALYAN Advocate [OPUC]
5. Two CCs to PUBLIC PROSECUTOR, High Court at Hyderabad [OUT]
6. One spare copy

HIGH COURT

KLJ

DATED:21/12/2020



ORDER

CRLP.No.5663 of 2020

BAIL