

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

**THURSDAY, THE TWENTY FOURTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY**

PRESENT

THE HONOURABLE SRI JUSTICE T. VINOD KUMAR

CRIMINAL PETITION NO: 6737 OF 2020

Between:

Cliff Brandon Joseph, S/o. Allen Martin Joseph, about 25 years, Occ. Private Limited, R/o. H.No.6-2-82/83, New Bhoiguda, Secunderabad.

...Petitioner/Accused No.8

AND

The State of Telangana, represented by its Public Prosecutor, High Court of Telangana

...Respondent/Complainant

Petition under Section 437 and 439 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to enlarge the petitioner/Accused No.5 on bail in Crime No.505 of 2020 of Police Station, Chilkaiguda, Hyderabad.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri Dokka Mohan Rao, Advocate for the Petitioner and the Additional Public Prosecutor on behalf of the Respondent.

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE T. VINOD KUMAR
Criminal Petition No.6737 of 2020

ORDER:

The present Criminal Petition has been filed under Section 437 and 439 of Cr.P.C. seeking for grant of regular bail to the petitioner, who is arrayed as Accused No.8 (A.8) in Crime No.505 of 2020 on the file of the Station House Officer, Chilakalaguda Police Station, for the offences punishable under Section 8 (c) read with Section 20 (b)(ii)(c) of Narcotic Drugs Psychotropic Substances Act, 1985 (for brevity 'NDPS Act').

2. Heard Sri Dokka Mohan Rao, learned counsel for the petitioner/A.8 and learned Additional Public Prosecutor appearing for the respondent-State and perused the material placed on record.

3. With the consent of the learned counsel appearing for the parties, the criminal petition is taken up for hearing through Video Conferencing in the virtual Court today, i.e. 24.12.2020.

4. The learned counsel for the petitioner/A.8 would submit that the petitioner is no way connected with the commission of the alleged offences and there are no specific overt acts being mentioned against the petitioner, who is arrayed as accused No.8 in the above crime. The learned counsel while drawing the attention of this Court to the remand report would submit that the petitioner was not even travelling in the vehicle wherein the offending substance was found and seized by the respondent authorities upon being intercepted. The learned counsel would further submit that the accused No.7 in the above crime has been granted bail. The petitioner/A.8 is in judicial custody since 31.10.2020, he may be granted regular bail.

5. On the other hand, the learned Additional Public Prosecutor would submit that the above crime registered is under NDPS Act and as has been held by the Hon'ble Apex Court in catena of decisions, the Court cannot consider these cases as like in the normal criminal cases for granting of bail. The learned Additional Public Prosecutor would further submit that based on the confessional statement given by the co-accused, who were found travelling in the car. It also submitted that upon being intercepted by the authorities, the inmates of the car initially tried to escape but were caught after a small chase. Based on their confession statement, search was effected at the petitioner's place where the Hasish oil along with other neutral substance was found, and was seized by the authorities. The search at the place of the petitioner / Accused (A.8) revealed that it is the petitioner who is behind the conduct of the entire dealing in the prohibited substance. The learned Additional Public Prosecutor would further submit that the seized quantity of Hasish oil is beyond the commercial quantity permitted of one kilo gram and therefore, the provisions of Section 37 of NDPS Act would stand attracted.

6. Having regard to the submissions made as above and also the law laid down by the Apex Court, in the case of **State of Kerala v. Rajesh**¹ the reasons stated by the petitioner do not appeal to this for being accepted. Further, the petitioner is required to meet the twin condition stipulated by the apex court in **Union of India and Another v. Sanjeev V. Deshpande**², to secure bail, which in the given facts, do not stand satisfied. In view of the above, this Court

¹ 2020 SCC Online SC 81

² (2014) 13 SCC 1

is not inclined to consider the present criminal petition for grant of regular bail to the petitioner.

7. Accordingly, the Criminal Petition is dismissed. Miscellaneous petitions, if any, pending in this criminal petition shall stand closed.

Sd/-K.SAILESHI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The X Metropolitan Magistrate, at Secunderabad.
 2. The Station House Officer, Chilkalguda, Police Station, Hyderabad.
 3. Two CCs to the Public Prosecutor, High Court for the State of Telangana, at Hyderabad [OUT]
 4. One CC to Sri Dokka Mohan Rao, Advocate [OPUC]
 5. Two CD Copies
- MMK

4/12

HIGH COURT

TVKJ

DATED:24/12/2020

ORDER

CRLP.No.6737 of 2020



DISMISSING THE CRIMINAL PETITION

⑦
31/12/20
TVKJ