

**HON'BLE JUSTICE G. SRI DEVI**

**CRIMINAL PETITION No.7979 of 2019**

**ORDER:**

The petitioner, who is Accused No.2, has filed the present application under Sections 437 and 439 of Cr.P.C., seeking enlargement on bail in NCB.F.No.48/1/3/2019/ NCB/SUB-ZONE/HYD on the file of Narcotic Control Bureau, Hyderabad, registered for the offences punishable under Section 8(c) r/w. Sections 22(c), 28, 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for brevity "the NDPS Act").

The case of the prosecution is that on 13.05.2019, near Aparna Palm Groove locality, Phase-III, Kompalle, the NCB officials have intercepted three cars and seized 9.920 kgs of Alprazolam contained in polythene bags from the possession of the petitioner.

Heard learned counsel appearing for the petitioner/A.2 and the learned Special Public Prosecutor appearing for the respondent NCB. Perused the material on record.

Learned counsel for petitioner/A.2 contends that the petitioner is innocent of the alleged offences and he is no way concerned with the alleged offences and he was falsely implicated in the above crime. It is also contended that the Prosecuting Agency has not followed the mandatory provisions of the NDPS Act while arresting the petitioner and

extracted the confessional statement of the petitioner by threat and coercion and the said statement given by the petitioner under Section 67 of the NDPS Act is involuntary and the same cannot be taken into consideration as an evidence. It is also contended that earlier this Court was pleased to grant bail to the petitioner for a limited period of three months vide order dt.18.09.2019 in Crl.P.No.5577 of 2019 for undergoing kidney transplant treatment by the petitioner and the present application is filed for grant of bail for a further period of six months towards treatment of his eyes. It is also contended that the petitioner is ready to abide by any conditions imposed by this Court for his release on bail and would cooperate with the investigating agency in concluding investigation in the above crime.

On the other hand, the learned Special Public Prosecutor for NCB vehemently opposed the bail application contending that earlier the petitioner was granted bail by this Court for a limited period of three months and the present application is filed again seeking bail for a further period of six months on the same grounds, which cannot be entertained.

As seen from the record, earlier the petitioner was granted bail by this Court for a limited period of three months vide order dt.18.09.2019 in Crl.P.No.5577 of 2019 for undergoing kidney transplant treatment by the petitioner and after completion of three months, the present application is

filed for grant of bail for a further period of six months on the same grounds, which cannot be entertained, since no new grounds whatsoever have been urged before this Court to enlarge the petitioner on bail.

Thus, considering the gravity of offence and the nature of allegations levelled against the petitioner/A.2 and also taking into consideration the facts and circumstances of the case, I am not inclined to release the petitioner/A.2 on bail. The petitioner/A.2 is directed to surrender before the Court concerned, forthwith, and on such surrender, the Court concerned is directed to intimate the same to this Court.

Accordingly, this Criminal Petition is dismissed.

As a sequel, miscellaneous applications pending, if any, shall stand closed.

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**JUSTICE G. SRI DEVI**

06.01.2020.  
Msr

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