

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

THURSDAY, THE TWENTY FIFTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY ONE

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

CRIMINAL PETITION NO: 1168 OF 2021

Between:

1. Harveer Singh, Son of Rayaram,
2. Sanjay Kumar, Son of Shivaram Singh,
3. Lakhan Singh, Son of Bhojpal,

Petitioners/Accused Nos. 1 to 3

AND

State of Telangana, Represented by its Public Prosecutor, High Court Buildings, Hyderabad.

Respondent

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 enlarge the petitioners/ Accused Nos.1 to 3 on bail in Crime No.373/2020, on the file of Police Station Bhadrachalam Town dated 21.10.2020;

The petition coming on for hearing, upon perusing the Petition and the grounds filed therein and upon hearing the arguments of Sri J.P.Srikanth, Advocate for the Petitioners, and of the Addl. Public Prosecutor, for the Respondent, the Court made the following.

THE HONOURABLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.1168 of 2021

ORDER:

The petitioners, who are accused Nos.1 to 3, filed the present application under Sections 437 and 439 of Criminal Procedure Code 1973, seeking to grant bail to them in Crime No.373 of 2020 of Bhadrachalam Town Police Station, Bhadradri-Kothagudem, registered for the offence punishable under Section 8 (c) read with 20 (b) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'NDPS Act').

2. Learned counsel for the petitioners/accused Nos.1 to 3 would submit that the petitioners are nothing to do with the alleged offence; that the allegations in the remand report are against accused Nos.6 and 7 at one stage and later against accused Nos.4, 5, 8 to 11 at another, which clearly shows the falsity of the allegations made against the petitioners; that accused Nos.6 and 7 were granted bail by this Court on 16.12.2020 in CrI.P.No.6634 of 2020; that the petitioners are only drivers and they are nothing to do with the alleged contraband seized; that the petitioners are in jail for more than four (4) months; that except this case, there are no other criminal antecedents against these petitioners and they are ready to co-operate the investigation and ultimately, prayed this Court to grant bail to the petitioners.

3. Learned Additional Public Prosecutor opposed the bail application.

4. Having regard to the submissions made by learned counsel for the petitioners and considering the facts and circumstances of the

case, I am inclined to grant bail to the petitioners/accused Nos.1 to 3 on certain terms and conditions.

- (i) The petitioners/A.1 to A.3 shall be released on bail on their executing a personal bond to the tune of Rs.1,00,000/- (Rupees One Lakh only) each with two sureties for the like amount each to the satisfaction of the Special Sessions Judge for Trial of Cases under NDPS Act-cum-I Additional Sessions Judge, Khammam. Out of two sureties, one surety from the native place of the petitioners.
 - (ii) On such release, the petitioners/A.1 to A.3 shall appear before the Investigating Officer on 3rd Saturday of every month between 10:00 AM and 2:00 PM, till completion of investigation or filing of the charge sheet, whichever is earlier.
 - (iii) the petitioners/A.1 to A.3 shall appear before the Court concerned personally on each date of hearing till conclusion of trial.
 - (iv) the petitioners/A.1 to A.3 shall not indulge in any similar type of activities in future;
 - (v) the petitioners/A.1 to A.3 shall not tamper with the prosecution witnesses;
 - (vi) the petitioners/A.1 to A.3 shall co-operate with the investigating agency.
 - (vi) the petitioners/A.1 to A.3 shall not misuse the liberty granted to them. If they are indulged in similar type of activities in future, liberty granted to them shall stand cancelled automatically.
5. With the above directions, the Criminal Petition is allowed.
- Miscellaneous petitions pending, if any, shall stand closed.

SD/- K. VENKAIAH
ASSISTANT REGISTRAR

ASSISTANT REGISTRAR

SECTION OFFICER

//TRUE COPY//

To,

1. The Special Sessions Judge for Trial of Cases under NDPS Act cum I Additional Sessions Judge, Khammam.
2. The Superintendent, District Jail Khammam, Khammam.
3. The Station House Officer, Bhadrachalam Town Police Station, Bhadrachalam District.
4. Two CCs to Public Prosecutor, High Court of Telangana, at Hyderabad (OUT)
5. One CC to Sri J.P. Srikanth, Advocate (OPUC)
6. one Spare Copy

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HIGH COURT

GSD,J

DATE: 25-02-2021

ORDER

CRL.P. NO. 1168 OF 2021



BAIL