

**IN THE HIGH COURT FOR THE STATE OF TELANGANA  
AT HYDERABAD**

FRIDAY, THE TWENTY SIXTH DAY OF FEBRUARY  
TWO THOUSAND AND TWENTY ONE

**:PRESENT:**

**THE HONOURABLE JUSTICE G SRI DEVI  
CRIMINAL PETITION NO: 1221 OF 2021**

**Between:**

Bandaru Yeswanth, S/o Late Nageshwar Rao,

**Petitioner/Accused No.1.**

**AND**

The State of Telangana, through Chilkaiguda, P.S. Hyderabad  
District, Rep by its Public Prosecutor, High Court, Hyderabad.

**Respondent/Complainant**

Petition under Section 437 & 439 of Cr.P.C, praying that in the circumstances stated in the grounds filed in support of the Criminal Petition, the High Court may be pleased to enlarge the petitioner herein on bail in connection with Crime No. 505 of 2020 On the file of Chilkaiguda Police Station Secunderabad, Hyderabad District.

The petition coming on for hearing, upon perusing the Petition and the grounds filed in support thereof and upon hearing the arguments of SRI GAJANAND CHAKRAVARTHI Advocate for the Petitioner and the Assistant PUBLIC PROSECUTOR for the Sole Respondent, the Court made the following.

**ORDER:**

THE HONOURABLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.1221 of 2021

ORDER:

This Criminal Petition, under Sections 437 and 439 of the Code of Criminal Procedure, 1973, is filed by the petitioner/A1 seeking to grant bail to him in connection with Crime No.505 of 2020 on the file of Chilkaiguda Police Station, Hyderabad District, registered for the offences punishable under Sections 8(c) read with Section 20(b)(ii)(C) of NDPS Act, 1985.

2. Heard learned counsel appearing for the petitioner/A1, learned Assistant Public Prosecutor appearing for the respondent-State and perused the record.

3. Learned counsel for the petitioner/A1 submits that the petitioner is innocent of the alleged offences as he is no way concerned with the alleged crime and he has been falsely implicated in the crime based on the confessional statement. He further submits that from the possession of petitioner/A1, 930 grams of Hashish Oil is said to have been recovered and that A2, from whose possession 760 grams of Hashish Oil is said to have been recovered, has already been enlarged on bail by the lower Court. He further submits that the entire investigation is completed, except filing of the charge sheet and he is ready to furnish sufficient sureties to the satisfaction of the Court. He also submits that the petitioner was arrested on 30.10.2020 and he is ready to abide by any condition that may be imposed by this Court in the event of his enlargement on bail.

4. Learned Assistant Public Prosecutor vehemently opposed the bail application. He submits that the actual commercial quantity of Hashish Oil should be 1000 grams.

5. As per the complaint, the petitioner/A1 was arrested on 30.10.2020 and 930 grams of Hashish Oil is said to have been seized from his possession. It is stated that, A2, from whose possession 760 grams of Hashish Oil is said to have been seized, has already been enlarged on bail by the lower Court. But, the bail application of petitioner/A1 was rejected on the ground that the Hashish Oil said to have been recovered from his possession is more than the commercial quantity. However, even according to the prosecution, the actual commercial quantity of Hashish Oil should be 1000 grams, and as such, the Hashish Oil recovered from the possession of petitioner/A1 is less than the commercial quantity. Thus, looking into the nature of allegations leveled against the petitioner and as the petitioner/A1 is in judicial custody since 30.10.2020 i.e., more than 120 days, and as he is not having any criminal antecedents, without adverting to the merits of the case, I am inclined to grant bail to the petitioner/A1.

6. The Criminal Petition is allowed and the petitioner/A1 is directed to be released on bail, subject to the following terms and conditions:

- (i) The petitioner/A1 shall be released on bail on his executing a personal bond to the tune of Rs.25,000/- (Rupees twenty five thousand only) with two sureties, out of which one surety shall be from his native place, for a like sum each to the satisfaction of the X Additional Chief Metropolitan Magistrate, Hyderabad.
- (ii) On such release, the petitioner/A1 shall appear before the Investigating Officer on 3<sup>rd</sup> 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 petitioner/A1 shall appear before the Court concerned personally on each date of hearing till conclusion of trial.

- (iv) the petitioner/A1 shall not indulge in any similar type of activities, in future; If he is indulged in similar type of activities in future, liberty granted to him shall stand cancelled automatically.
- (v) the petitioner/A1 shall not tamper with the prosecution witnesses;
- (vi) the petitioner/A1 shall co-operate with the investigating agency.
- (vii) the petitioner/A1 shall not misuse the liberty granted to him.

7. Miscellaneous applications, if any pending in this criminal petition, shall stand closed.

**SD/- B. SATYAVATHI  
ASSISTANT REGISTRAR**

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**SECTION OFFICER**

To,

1. The X Additional Chief Metropolitan Magistrate at Hyderabad
2. The Superintendent, Chanchalguda District Jail.
3. The Station House Officer, Chalkalguda, P.S. Hyderabad
4. One CC to SRI. GAJANAND CHAKRAVARTHI Advocate [OPUC]
5. Two CCs to PUBLIC PROSECUTOR, High Court at Hyderabad [OUT]
6. One Spare Copy

HIGH COURT

GSDJ

DATED:26/02/2021

ORDER



CRLP.No.1221 of 2021

BAIL