

**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: 1238 OF 2021**

Between:

1. Mintu, S/o Salim
2. Kalam, S/o Abdul Sattar

Petitioners/Accused Nos. 1 & 2

AND

The State of Telangana, through Hayathnagar Prohibition and
Excise Station, Rep.by Public Prosecutor High Court for the State
of Telangana At 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 release the
petitioner/A-1 and 2 on bail pending investigation, enquiry and
trial in to COR No.55 of 2020 of Prohibition and Excise Police
Station, Hayathnagar 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 C VIJAYA SHEKAR REDDY Advocate
for the Petitioners, and the Assistant PUBLIC PROSECUTOR for
the Sole Respondent, the Court made the following.

ORDER:

THE HONOURABLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.1238 of 2021

ORDER:

This Criminal Petition, under Sections 437 and 439 of the Code of Criminal Procedure, 1973, is filed by the petitioners/A1 and A2 seeking to grant bail to them in connection with COR No.55 of 2020 on the file of Prohibition and Excise Police Station, Hayathnagar, registered for the offences punishable under Section 8(c) read with Section 20(b)(ii)(C) of NDPS Act, 1985.

2. Heard learned counsel appearing for the petitioners/A1 and A2, learned Assistant Public Prosecutor appearing for the respondent-State and perused the record.

3. Learned counsel for the petitioners/A1 and A2 submits that the petitioners are innocent of the alleged offences as they have been falsely implicated in the case and that the entire allegations in the complaint are totally false and baseless. He further submits that there is no iota of truth in the allegations mentioned in the confessional statement recorded by the police. He further submits that the contraband seized from the possession of each accused is 14.7 kgs, which is less than the commercial quantity. He also submits that the petitioners were arrested on 11.12.2020 and they are ready to abide by any condition that may be imposed by this Court in the event of their enlargement on bail.

4. Learned Assistant Public Prosecutor vehemently opposed the bail application. He submits that the actual commercial quantity of ganja is above 20 Kgs.

5. Having regard to the facts and circumstances of the case and looking into the nature of allegations leveled against the petitioners and as

the contraband seized from the possession of petitioners is less than the commercial quantity, I am inclined to grant bail to the petitioners/A1 and A2.

6. The Criminal Petition is allowed and the petitioners/A1 and A2 are directed to be released on bail, subject to the following terms and conditions:

- (i) The petitioners/A1 and A2 shall be released on bail on their executing a personal bond to the tune of Rs.25,000/- (Rupees twenty five thousand only) each with two sureties, out of which one surety shall be from their native place, for a like sum each to the satisfaction of the VII Metropolitan Magistrate, Prohibition and Excise Court, L.B.Nagar, Rangana Reddy District.
- (ii) On such release, the petitioners/A1 and A2 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/A1 and A2 shall appear before the Court concerned personally on each date of hearing till conclusion of trial.
- (iv) the petitioners/A1 and A2 shall not indulge in any similar type of activities, in future; If they are indulged in similar type of activities in future, liberty granted to them shall stand cancelled automatically.
- (v) the petitioners/A1 and A2 shall not tamper with the prosecution witnesses;
- (vi) the petitioners/A1 and A2 shall co-operate with the investigating agency.
- (vii) the petitioners/A1 and A2 shall not misuse the liberty granted to them.

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

SD/- B. SATYAVATHI
ASSISTANT REGISTRAR

//TRUE COPY//

[Signature]
SECTION OFFICER

To,

1. The VII Metropolitan Magistrate at Prohibition and Excise Court, L.B.Nagar, Ranga Reddy District.
2. The Superintendent Central Prison, Cherlapalli R.R. District.
3. The Station House Officer, Prohibition and Excise Police Station, Hayathnagar
4. One CC to SRI. C VIJAYA SHEKAR REDDY 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.1238 of 2021

BAIL

