

IN THE HIGH COURT FOR THE STATE OF TELANGANA

TUESDAY ,THE SECOND DAY OF MARCH
TWO THOUSAND AND TWENTY ONE

:PRESENT:

THE HONOURABLE JUSTICE G SRI DEVI
CRIMINAL PETITION NO: 1336 OF 2021

Between:

1. Niutan Mandal, Son of Nirpan Mandal,
2. Bisu Mandal, Son of Baburam Mandal,

Petitioners/Accused Nos. 1 &2

AND

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

Respondent

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 petitioners/ Accused No.1 and 2 on bail in COR No.19/2021 Prohibition and Excise Station, Bhadrachalam, dated 17/01/2021,

The petition coming on for hearing, upon perusing the Petition and the grounds filed in support thereof and upon hearing the arguments of SRI KASULLAH SHREEWANI Advocate for the Petitioners and the Additional PUBLIC PROSECUTOR for the Sole Respondent, the Court made the following.

ORDER:

HONOURABLE JUSTICE G. SRI DEVI

CRIMINAL PETITION NO.1336 OF 2021

ORDER:

The petitioners/A-1 and A-2 filed the present Criminal Petition under Sections 437 and 439 of the Code of Criminal Procedure seeking to grant bail to them in COR.No.19 of 2021 of P.S. Prohibition & Excise Station, Bhadrachalam, which was registered for the offence punishable under Section 8(c) read with 20(b) of the NDPS Act, 1985.

Heard the learned counsel for the petitioners/A-1 and A-2, the learned Additional Public Prosecutor representing the respondent-State and perused the record.

The allegation against the petitioners/A-1 and A-2 is that on 17.01.2021 the petitioners/A-1 and A-2 were arrested when they were in possession of 21 kgs of dry ganja packed in three plastic covers each bag containing 7 kgs.

Learned Additional Public Prosecutor opposed to grant bail to the petitioners/A-1 and A-2.

Learned counsel for the petitioners/A-1 and A-2 submits that the petitioners have not committed any offence as alleged by the prosecution and they are falsely implicated in the above case. The petitioners/A-1 and A-2 are in custody since 17.01.2021 and they have no previous criminal antecedents. Hence, it is prayed to consider the petitioners' application for bail.

Looking into the facts and circumstances of the case, I am inclined to grant bail to the petitioners/A-1 and A-2.

The Criminal Petition is allowed and the petitioners/A-1 and A-2 shall be released on bail on the following terms and conditions:

- (i) That the petitioners/A-1 and A-2 shall execute a personal bond for Rs.25,000/- (Rupees twenty five thousand only) each with two sureties for a like sum each to the satisfaction of the Special Sessions Judge for Trial of Cases under NDPS act-cum-I Additional Sessions Judge at Khammam and out of two sureties, one surety shall be from the native district of each of the petitioners;
- (ii) That the petitioners/A-1 and A-2 shall appear before the investigating authorities on every fourth Saturday between 10.00 am and 5.00 pm till conclusion of investigation and submission of final report;
- (iii) That the petitioners/A-1 and A-2 shall not indulge in similar type of activities in future and if it is found that they are indulged in similar type of activities in future, the liberty granted to them shall automatically stand cancelled and they would be taken into custody forthwith.
- (iv) that the petitioners/A-1 and A-2 shall not tamper with the prosecution witnesses;
- (v) that the petitioners/A-1 and A-2 shall co-operate with the investigating agency.
- (vi) that the petitioners/A-1 and A-2 shall not misuse the liberty granted to them.
- (vii) that the petitioners/A-1 and A-2 shall appear before the Court concerned personally on each date of hearing till conclusion of trial.

Miscellaneous applications pending, if any, shall stand closed.

//TRUE COPY//

SD/- T.KRISHNA KUMAR
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Special Sessions Judge for Trial of Cases under NDPS Act-cum-I Additional Sessions Judge, at Khammam.
2. The Judicial First Class Magistrate at Bhadrachalam.
3. The Superintendent District Jail, Khammam.
4. The Station House Officer, PS., Prohibition & Excise Station, Bhadrachalam
5. One CC to SRI. KASULLAH SHREEWANI Advocate [OPUC]
6. Two CCs to PUBLIC PROSECUTOR, High Court at Hyderabad. [OUT]
7. One Spare Copy

HIGH COURT

GSDJ

DATED:02/03/2021



ORDER

CRLP.No.1336 of 2021

BAIL