

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
FRIDAY, THE FIFTH DAY OF MARCH TWO THOUSAND AND TWENTY ONE

:PRESENT:
THE HONOURABLE JUSTICE G SRI DEVI

CRIMINAL PETITION NO: 1501 OF 2021

Between:

1. Bontha Chandramouli, S/o. Narsaiah,
2. Bontha Sharath Chandra @ Chandu, S/o. Venkatesh

Petitioner/Accused Nos.1 & 2

AND

The State of Telangana, Through Police Station Narkatpally, Rep. by Public
Prosecutor, High Court at Hyderabad.

Respondent/Complainant

Petition under Section 437 & 439 of Cr.P.C, praying that in the circumstances stated in the Criminal Petition, the High Court may be pleased to release the Petitioners/Accused No.1 and 2 on bail in connection with the Crime. No. 229 of 2020, dt. 19/12/2020 on the file of the Police Station, Narkatpally, Nalgonda District 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 PALLE SRIHARINATH, Advocate for the Petitioners, Addl. PUBLIC PROSECUTOR for the Respondent, the Court made the following.

ORDER:

THE HONOURABLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.1501 OF 2021

ORDER:

This Criminal Petition, under Sections 437 and 439 of Cr.P.C., is filed by the petitioners/Accused Nos.1 and 2 seeking to grant bail to them in Crime No.229 of 2020 of Narkatpally Police Station, Nalgonda District, registered for the offence punishable under Section 20 (b) (ii) (c) of the Narcotic Drugs and Psychotropic Substance Act, 1985.

2. Heard learned counsel for the petitioners/Accused Nos.1 and 2 and the learned Additional Public Prosecutor representing the respondent/State. Perused the record.

3. Learned counsel for the petitioners would submit that though total 16 kgs., of Ganja said to have been recovered from the possession of all the accused, only 2 kgs., of Ganja said to have been recovered from the possession of present petitioners; that the present case has been foisted against the petitioners, basing on the previous criminal cases pending against them; that the petitioners are in custody since 19.12.2020 and charge sheet in this case has already been filed and hence, there is nothing to investigate into the case; that the petitioners are ready to abide by any condition and ultimately, prayed this Court to grant bail to the petitioners.

4. On the other hand, learned Additional Public Prosecutor though vehemently opposed the bail application submitting thereof that the petitioners are involved in similar type of offences, conceded to the fact that only 2 kgs., of Ganja said to have been recovered from the possession of the petitioners, which is much less than the

commercial quantity and charge sheet in this case has already been filed.

5. Thus, looking into nature of allegations levelled against the petitioners and considering the facts and circumstances of the case, without adverting to the merits of the case, the petitioners/accused Nos.1 and 2 can be granted bail.

6. Therefore, the Criminal Petition is allowed and the petitioners/Accused Nos.1 and 2 are directed to be released on bail, subject to the following terms and conditions:

- (i) The petitioners/Accused Nos.1 and 2 shall be released on bail on their executing personal bond for Rs.25,000/- (Rupees Twenty Five thousand only) each with two sureties to the like amount each to the satisfaction of Judicial Magistrate of First Class (Prohibition and Excise offences) at Nalgonda.
- (ii) The petitioners/Accused Nos.1 and 2 shall personally appear before the Court concerned on each date of hearing.
- (iii) The petitioners/Accused Nos.1 and 2 shall not influence the prosecution witnesses.
- (iv) The petitioners/Accused Nos.1 and 2 shall not indulge in similar type of offences during pendency of this case as well as previous cases pending against them. If petitioners are found to be involved in similar type of offences during pendency of this case or if they violate any of the conditions imposed in this order, the bail granted to them shall automatically stand cancelled and they shall be taken into custody forthwith.

Miscellaneous petitions, if any, shall stand closed.

SD/- KAMMAJI
ASSISTANT REGISTRAR

//TRUE COPY//

KJK
SECTION OFFICER

To,

1. I Addl. District and Sessions Judge, Nalgonda.
2. The Judicial First Class Magistrate (Prohibition and Excise Offences) at Nalgonda.
3. The Superintendent, District Prison, Nalgonda District.
4. The Station House Officer, Police Station Narkatpally.
5. One CC to SRI PALLE SRIHARINATH Advocate [OPUC]
6. Two CCs to PUBLIC PROSECUTOR, High Court at Hyderabad. (OUT)
7. One spare copy

HIGH COURT

GSD,J

DATED:05/03/2021

ORDER

CRLP.No.1501 of 2021

BAIL