

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THURSDAY ,THE FIFTEENTH DAY OF APRIL TWO THOUSAND AND TWENTY ONE ✓

:PRESENT:

THE HONOURABLE JUSTICE G SRI DEVI ✓

CRIMINAL PETITION NO: 1627 OF 2021 ✓

Between:

1. Koda Gopal, S/o Late Koda Appanna,
2. Koppoji Chinnabbai @ Chinna, S/o Koppoji Gangaraju,

Petitioners/Accused No.1 & 2

AND

The State of Telangana, through PS Afzalgunj, Hyderabad, Rep by Public
Prosecutor, High Court for the State of Telangana.

Respondent/Complainant

Petition under Section 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 on bail to the petitioners/accused No.1 and 2 in the event of their arrest in Crime No. 505 of 2020 of Police Station, Afzalgunj, Hyderabad;

The petition coming on for hearing, upon perusing the Petition and the grounds filed in support thereof and upon hearing the arguments of SRI A BHUVAN SUNDER REDDY Advocate for the Petitioners and ASSISTANT PUBLIC PROSECUTOR for the Respondent, the Court made the following.

ORDER:

THE HONOURABLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.1627 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 Cr.No.505 of 2020 on the file of Afzalgunj Police Station, Hyderabad District, registered for the offence 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. It is alleged in the complaint that on 26.12.2020 at 14.30 hours, on credible information, the police rushed to Afzalgunj, Hyderabad, apprehended A1 to A4 and on enquiry, they confessed that they are in possession of Charas (Hashish), thereupon the police seized 1 kg of charas from them and registered the aforesaid case against the accused.

4. Learned counsel for the petitioners/A1 and A2 submits that the petitioners have been falsely implicated in the crime and they have nothing to do with the alleged offences. He further submits that the petitioners are agriculturists and they have not involved in any other criminal cases prior to this occurrence. He further submits that the petitioners were arrested on 26.12.2020 and that they are law abiding citizens and ready to abide by any condition imposed by this Court in the event of their enlargement on bail.

5. Learned Assistant Public Prosecutor vehemently opposed the bail application.

6. Having regard to the facts and circumstances of the case and looking into the nature of allegations leveled against the petitioners/A1 and A2 and in view of the alleged quantity of the contraband seized from the possession of the accused, without adverting to the merits of the case, I am inclined to grant bail to the petitioners/A1 and A2.

7. 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.50,000/- (Rupees fifty 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 II Additional Chief Metropolitan Magistrate, Nampally, Hyderabad.

(ii) On such release, the petitioners/A1 and A2 shall appear before the Investigating Officer on every Saturday between 10.00 AM to 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 or involved in any other criminal cases 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.

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

//TRUE COPY//

Sd/-K.SHYLESHI
ASSISTANT REGISTRAR
SECTION OFFICER

To,

1. The I Addl. Metropolitan Sessions Judge, Hyderabad
2. The II Addl. Chief Metropolitan Magistrate at Hyderabad
3. The Station House Officer, Afzalgunj Police Station, Hyderabad District
4. The Superintendent, Central Prison, Chanchalguda, Hyderabad
5. One CC to SRI. A BHUVAN SUNDER REDDY Advocate [OPUC]
6. Two CCs to the PUBLIC PROSECUTOR, High Court for the State of Telangana, Hyderabad (OUT)
7. One spare copy

HIGH COURT

GSDJ

DATED: 15.04.2021

ORDER

CRLP. NO: 1627 of 2021

CRIMINAL PETITION IS ALLOWED

