

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**
THURSDAY, THE TWENTY NINTH DAY OF APRIL TWO THOUSAND AND
TWENTY ONE

**:PRESENT:
THE HONOURABLE JUSTICE G SRI DEVI
CRIMINAL PETITION NO: 3247 OF 2021**

Between:

Manda Bhaskar, S/o.Kumaraswamy

Petitioner/Accused-3

AND

The State of Telangana, Rep. by its Public Prosecutor High Court of 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 on bail in Crime No.14 of 2021 on the file of Police
Station, Basanthnagar, Karimnagar District

The petition coming on for hearing, upon perusing the Petition and the affidavit
filed in support thereof and upon hearing the arguments of SRI A PRABHAKAR RAO
Advocate for the Petitioner, THE PUBLIC PROSECUTOR for the Respondent and the
Court made the following.

ORDER

HONOURABLE JUSTICE G. SRI DEVI

CRIMINAL PETITION NO.3247 OF 2021

ORDER:

The petitioner/A-3 filed the present Criminal Petition under Sections 437 and 439 of the Code of Criminal Procedure seeking to grant bail to him in Crime No.14 of 2021 of P.S. Basanthnagar, Peddapalli District, which was registered for the offence punishable under Section 8(c) r/w.20(b)(i) of the NDPS Act, 1985.

Heard the learned counsel for the petitioner/A-3, the learned Assistant Public Prosecutor representing the respondent-State and perused the record.

The allegation against the petitioner/A-3 is that on 22.01.2021, on receipt of credible information of transportation of Ganja, the police while checking near Toll Plaza found Maruthi Swift Car bearing No.TS-12-EA-1391 under suspicious circumstances and found the petitioner/A-3 along with A-1 and A-2 carrying 29 kgs of ganja. They were arrested and the property was seized under the cover of mediators report.

Learned counsel for the petitioner/A-3 submits that the petitioner has not committed any offence, much less the alleged offence and he has been falsely implicated in the crime. He further submits that the petitioner has not been involved in any similar type of offences within six months prior to this occurrence. He further submits that the petitioner was arrested on 22.01.2021 and that the entire allegations made in the complaint are false. He also submits that the petitioner is a law abiding citizen and ready to abide by any condition imposed by this Court in the event of his enlargement on bail.

Relying upon the judgments of the Apex Court in **State of Kerala v. Rajesh**¹, **Preetpal Singh v. State of U.P. and another**² and **The State (Gnct of Delhi) v. Lokesh Chadha**³, learned Assistant Public Prosecutor appearing for the State opposed the petition contending that unless the requirement under Section 37 of NDPS Act, 1985, is satisfied, this Court cannot enlarge the petitioner on bail as a matter of course.

In **Sheru v. Narcotics Control Bureau**⁴, a three Judge Bench of the Apex Court, while granting bail to a person in a case filed under the Narcotic Drugs and Psychotropic Substances Act in view of unusual times of the COVID-19 pandemic, held as under:

"We have given a thought to the matter and there is no doubt that the rigors of Section 37 of the N.D.P.S. Act would have to be met before the sentence of a convict is suspended and bail granted and mere passage of time cannot be a reason for the same. However, we are faced with unusual times where the COVID situation permeates. We are also conscious that this Court has passed orders for release of persons on bail to de-congest the jail but that is applicable to cases of up to seven years sentence.

In the given aforesaid facts and circumstances of the case, we consider it appropriate to enlarge the appellant on bail on terms and conditions to the satisfaction of the Trial Court."

In view of the judgment of the Apex Court in **Sheru's case** (4 supra), having regard to the fact that the petitioner is in jail since 22.01.2021 and looking into the nature of allegations levelled against the petitioner/A-3 and also in view of the peculiar conditions of pandemic COVID-19 prevailing in the country, without delving into the merits of the matter, I am inclined to grant bail to the petitioner/A-3.

¹ (2020)12 SCC 122

² (2020)8 SCC 645

³ CrI.A.No.257 of 2021 (SLP (CrI.) No.670 of 2021)

⁴ CrI.A.Nos.585 and 586 of 2020, dated 11.09.2020

The Criminal Petition is allowed and the petitioner/A-3 is directed to be released on bail, subject to the following terms and conditions:

- (i) The petitioner/A-3 shall be released on bail on his executing a personal bond to the tune of Rs.50,000/- (Rupees fifty thousand only) with two sureties for a like sum each to the satisfaction of the I Additional District & Sessions Judge, Karimnagar;
- (ii) On such release, commencing from the month of June, 2021, the petitioner/A-3 shall appear before the Investigating Officer on every third Saturday between 10.00 am and 5.00 pm, till completion of investigation or filing of the charge sheet, whichever is earlier;
- (iii) The petitioner/A-3 shall appear before the Court concerned personally on each date of hearing till conclusion of trial;
- (iv) The petitioner/A-3 shall not indulge in any similar type of offences in future. If he is indulged in similar type of offences or involved in any other criminal cases in future, liberty granted to him shall stand cancelled automatically and he would be taken into custody;
- (v) The petitioner/A-3 shall not tamper with the prosecution witnesses;
- (vi) The petitioner/A-3 shall co-operate with the investigating agency; and
- (vii) The petitioner/A-3 shall not misuse the liberty granted to him.

Miscellaneous applications pending, if any, shall stand closed.

//TRUE COPY//

SD/- R. KARTHIKEYAN
ASSISTANT REGISTRAR

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SECTION OFFICER

To,

1. The I Addl. Sessions Judge, Karimnagar, Karimnagar District
2. The Superintendent, Central Prison, Karimnagar
3. One CC to SRI, A PRABHAKAR RAO Advocate [OPUC]
4. Two CC's to Public Prosecutor, High Court for the State of Telangana at Hyderabad (OUT)
5. One spare copy

Avs

HIGH COURT

GSDJ

DATED:29/04/2021

ORDER

CRLP.No.3247 of 2021



BAIL