

IN THE HIGH COURT FOR THE STATE OF TELANGANA
TUESDAY, THE TWENTY FIRST DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY ONE

:PRESENT:

THE HON'BLE DR. JUSTICE SHAMEEM AKTHER
CRIMINAL PETITION NO: 7109 OF 2021

Between:

1. Vasad Samuel S/o Srinivasa,
2. Shaik Rasool, S/o Khajamiya,

Petitioners/Accused No.1 & 2

AND

The State of Telangana, Rep by SHO, P.S Bhadrachalam Town, Through Public
 Prosecutor, High Court of Telangana.

Respondent/Complainant

Petition under Section 437 and 439 of Cr.P.C, praying that in the circumstances stated in the grounds filed in the Criminal Petition, the High Court may be pleased to enlarge the petitioners on bail in connection with Crime No 351 of 2021 on the file of Bhadrachalam Town Police Station

The petition coming on for hearing, upon perusing the Petition and the grounds filed in support thereof and upon hearing the arguments of SRI PARSA ANANTH NAGESWAR RAO Advocate for the Petitioner and the Assistant Public Prosecutor for the Sole Respondent, the Court made the following.

ORDER:

This Criminal Petition, under Section 439 of Cr.P.C., is filed by the petitioners/A.1 & A.2, for grant of bail in Crime No.351 of 2021 of Bhadrachalam Town Police Station, registered for the offence punishable under Section 8(c) r/w 20(b) of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'NDPS Act').

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

3. The learned counsel for the petitioners/A.1 & A.2 would submit that the petitioners/A.1 & A.2 are innocent persons. They are falsely implicated in the subject crime. The quantity of ganja seized in the subject crime is less than commercial quantity. Further, there is no history of the petitioners/A.1 & A.2 involving in similar offences and ultimately prayed to allow the Criminal Petition as prayed for.

4. On the other hand, the learned Assistant Public Prosecutor opposed for grant of bail to the petitioners/A.1 & A.2

5. The material placed on record reveals that the petitioners/A.1 & A.2 are remanded to judicial custody on 22.08.2021. The allegation against the petitioners/A.1 & A.2 is that they, along with the other accused, were found transporting 10 kgs of ganja by car bearing registration No.AP-39-FY-1442. It is brought to the notice of this Court that this is the first crime that was registered against the petitioners/A.1 & A.2. Material witnesses are examined. In view of the ganja alleged to have been seized from the possession of petitioners/A.1 & A.2, this Court is inclined to grant bail to the petitioners/A.1 & A.2, on some conditions

6. Accordingly, the petitioners/A.1 & A.2 are ordered to be released on bail, subject to the following conditions:

- (i) The petitioners/A.1 & A.2 shall execute personal bonds for a sum of Rs.25,000/- (Rupees twenty five thousand only) each with two sureties for a like sum each to the satisfaction of the Judicial Magistrate of First Class at Bhadrachalam. One of the surety must be from the native village of the petitioners/A.1 & A.2.
- (ii) After release on bail, the petitioners/A.1 & A.2 shall appear before the Station House Officer, Bhadrachalam Town Police Station, on every fortnight between 10:00 AM and 11:00 AM, till filing of charge-sheet.
- (iii) During the bail period, the petitioners/A.1 & A.2 shall not indulge in any crime.
- (iv) The petitioners/A.1 & A.2 shall not, directly or indirectly, meddle with the investigation, intimidate or induce the witnesses, tamper the evidence and they shall cooperate with the investigating officer for smooth completion of investigation.

7. The Criminal Petition is, accordingly, allowed.

Miscellaneous petitions, if any, pending in this Criminal Petition, shall stand closed.

//TRUE COPY//

SD/- M MANJULA
ASSISTANT REGISTRAR

For ASSISTANT REGISTRAR

To,

1. The Judicial First Class Magistrate at Bhadrachalam.
2. The Special Sessions Judge for the Trial of Case Under Narcotic Drugs and Psychotropic Substances Act-cum-I Additional Sessions Judge at Khammam.
3. The Superintendent District Jail, Khammam.
4. The Station House Officer, Bhadrachalam Town Police Station
5. One CC to SRI. PARSA ANANTH NAGESWAR RAO Advocate [OPUC]
6. Two CCs to PUBLIC PROSECUTOR, High Court at Hyderabad. [OUT]
7. One Spare Copy

HIGH COURT

DRSAJ

DATED:21/09/2021

ORDER

CRLP.No.7109 of 2021

BAIL

