

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

TUESDAY, THE TWENTY FIRST DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY ONE ✓

:PRESENT:
THE HON'BLE DR. JUSTICE SHAMEEM AKTHER
CRIMINAL PETITION NO: 7110 OF 2021

Between:

Mirza Atif Baig Nassir, S/o Mirza Khaja Baig,

...Petitioner/Accused No.1

AND

The State of Telangana, Rep by its Public Prosecutor High Court Buildings High Court at
Hyderabad OF P.S. Kulsumpura, Hyderabad.

...Respondent/Complainant

Petition under Sections 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 petitioner/Accused No.1 on bail in Crime No 131 of 2021, of P.S. Kulsumpura, Hyderabad.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of MR.MUSTAFA BASITH Advocate for the Petitioner and Assistant Public Prosecutor for Respondent, the Court made the following.

ORDER

This Criminal Petition, under Section 439 of Cr.P.C., is filed by the petitioner/A.1, for grant of bail in Crime No.131 of 2021 of Kulsumpura Police Station, registered for the offence punishable under Section 8(c) r/w 20(b)(ii)(c) of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'NDPS Act').

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

3. Learned counsel for the petitioner/A.1 would submit that the petitioner/A.1 is innocent person and he has nothing to do with the alleged offence. He is falsely implicated in the subject crime. There are two accused in this case. The petitioner was remanded to judicial custody on 31.07.2021 and ultimately prayed to allow the Criminal Petition as prayed for.

4. The learned Assistant Public Prosecutor opposed for grant of bail to the petitioner/A.1.

5. As seen from the material placed on record, on 31.07.2021, at 11:00 hours, while the police were performing patrolling duty near Kattamaisamma Temple, New Road, Jiyaguda, Hyderabad, they noticed two persons waiting beside a Honda Activa bike under suspicious circumstances, with a gunny bag. The petitioner/A.1 is one among them. On seeing the police, they tried to escape, but however, they were apprehended and on questioning them, they stated that they were carrying 21 kgs of ganja in a gunny bag. They further stated that they were doing ganja business by procuring and purchasing ganja from West Bengal @ Rs.2,000/- to Rs.3,000/- per kg and selling in loose and wholesale @ Rs.4,000/- to Rs.6,000/- per kg. Pursuant to their confession, 21 kgs of ganja was recovered from their possession. There is no criminal history against the petitioner/A.1 indulging in similar offence in the past. Material witnesses are examined. The petitioner/A.1 was remanded to judicial custody on the very same day when he was caught, i.e., on 31.07.2021. In view of the quantity of ganja seized and since material witnesses are examined and since there are two accused in this crime, this Court is inclined to grant bail to the petitioner/A.1 on certain conditions.

6. Accordingly, the petitioner/A.1 is ordered to be released on bail, subject to the following conditions:

- (i) The petitioner/A.1 shall execute a personal bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) with two sureties for a like sum each to the satisfaction of the learned XVI Additional Chief Metropolitan Magistrate, Hyderabad.
- (ii) After release on bail, the petitioner/A.1 shall appear before the Station House Officer, Kulsumpura Police Station, Hyderabad, on every Sunday between 10:00 AM and 11:00 AM till filing of charge sheet.

(iii) During the bail period, the petitioner/A.1 shall not indulge in any crime.

(iv) The petitioner/A.1 shall not, directly or indirectly, meddle with the witnesses, tamper the evidence and he shall cooperate with the Investigating Officer in the investigation of the subject case.

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

SECTION OFFICER

To

1. The I Additional Metropolitan Sessions Judge, Hyderabad.
2. The XVI Additional Chief Metropolitan Magistrate at Hyderabad.
3. The Superintendent, Central Jail, Chanchalguda Jail, Hyderabad.
4. The Station House Officer, Kulsumpura Police Station, Hyderabad.
5. One CC to MR.MUSTAFA BASITH Advocate [OPUC]
6. Two CCs to the PUBLIC PROSECUTOR (TG) High Court at Hyderabad (OUT)
7. One spare copy

HIGH COURT

DR.SA.J

DATED: 21.09.2021

CRL.P.NO.7110 OF 2021

PETITION ALLOWED

