

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

**THURSDAY, THE FIRST DAY OF APRIL TWO THOUSAND AND TWENTY ONE
:PRESENT:**

THE HONOURABLE JUSTICE G SRI DEVI

CRIMINAL PETITION NO: 6703 OF 2020 and 2333 of 2021

CRLP NO. 6703 OF 2020

Between:

Bilas Barakuji Jadhav, Son of Barakujirao

Petitioner/Accused No.1

AND

State of Telangana, Represented by its Public Prosecutor, High Court Buildings,
Hyderabad

Respondent

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 enlarge the petitioner/ Accused No.1 on bail in Crime No.325/2020, on the file of Police Station Bhadrachalam Town dated 04/09/2020

CRLP NO. 2333 OF 2021:

Between:

Milind Shinde, Son of Chinduji

Petitioner/Accused No.2

AND

State of Telangana, Represented by its Public Prosecutor, High Court Buildings,
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 enlarge the petitioner / Accused No.2 on bail in Crime No. 325/2020, on the file of Police Station Bhadrachalam Town dated 04/09/2020

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of SRI J P SRIKANTH Advocate for the Petitioner (in both), THE PUBLIC PROSECUTOR for the Respondent (in both) the Court made the following.

ORDER

THE HONOURABLE JUSTICE G. SRI DEVI

CRIMINAL PETITION Nos.6703 of 2020 and 2333 of 2021

COMMON ORDER:

Since both these criminal petitions, under Sections 437 and 439 of the Code of Criminal Procedure, 1973, arise out of Cr.No.325 of 2020 on the file of Bhadrachalam Town Police Station, Bhadrachalam District, registered for the offences punishable under Section 8(c) read with Section 20(b) of NDPS Act, 1985, they are being disposed of by this common order.

2. Cr.P.No.6703 of 2020 is filed by petitioner/A1 and Cr.P.No.2333 of 2021 is filed by petitioner/A2 seeking to grant bail to them in connection with the aforesaid crime.

3. Heard J.P.Srikanth, learned counsel for the petitioners in both the criminal petitions, learned Assistant Public Prosecutor appearing for the respondent-State and perused the record.

4. Learned counsel for the petitioner/A1 in Cr.P.No.6703 of 2020 submits that the petitioner is innocent of the alleged offences and he has nothing to do with the alleged crime. He further submits that even as per the remand report, the prosecution is not mentioned the place where the said contraband will be sold by the accused. He further submits that the petitioner was arrested on 04.09.2020 and the entire investigation is completed, except filing of the charge sheet. He also submits that the petitioner is not having any criminal antecedents and he is a law abiding citizen and ready to abide by any condition imposed by this Court in the event of his enlargement on bail.

5. Learned counsel for the petitioner/A2 in Cr.P.No.2333 of 2021 submits that the petitioner is innocent of the alleged offences and he has nothing to do with the alleged crime. He further submits that even as per the remand report, the prosecution is not mentioned the place where the

said contraband will be sold by the accused. He further submits that the petitioner was arrested on 04.09.2020 based on the confession of co-accused and that the entire investigation is completed, except filing of the charge sheet. He also submits that the petitioner is not having any criminal antecedents and he is a law abiding citizen and ready to abide by any condition imposed by this Court in the event of his enlargement on bail.

6. Learned Assistant Public Prosecutor opposed the bail application and submitted that the charge sheet in the aforesaid crime has already been filed and the same is numbered as S.C.No.9 of 2021 on the file of the Special Court and as such, the trial Court may be directed to commence and conclude the trial as expeditiously as possible as the petitioners belong to the State of Maharashtra and the procurement of their presence may be difficult during the course of trial.

7. A perusal of the material documents available on record and the submissions made by the learned counsel for the petitioners as well as learned Assistant Public Prosecutor, the fact that the charge sheet has already been submitted and S.C.No.9 of 2021 is pending for trial. Admittedly, both the petitioners were alleged to have transported 201.1 kgs of ganja in a Swift Dezire Car bearing No.MH31 EA 9057 from one place to other different place, but the place where they were transporting the alleged ganja is not mentioned and from whom they have purchased said ganja is also not mentioned. Admittedly, the petitioners are not having any past criminal history. Thus, looking into the nature of allegations leveled against the petitioners and other facts and circumstances, without adverting to the merits of the case, I am inclined to grant bail to the petitioners.

8. The Criminal Petition is allowed and the petitioner/A1 in Crl.P.No.6703 of 2020 and the petitioner/A2 in Crl.P.No.2333 of

2021 are directed to be released on bail, subject to the following terms and conditions:

- (i) The petitioners shall be released on bail on their executing a personal bond to the tune of Rs.1,00,000/- (Rupees one lakh only) each with two sureties, out of which one each surety shall be from their native place of Maharashtra, for a like sum each to the satisfaction of the Special Sessions Judge for Trial of Cases under NDPS Act-cum-I Additional Sessions Judge, Khammam.
- (ii) On such release, the petitioners 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 shall appear before the Court concerned personally on each date of hearing till conclusion of trial.
- (iv) the petitioners shall not indulge in any similar type of activities, in future; If they are indulged in similar type of activities in future, liberty granted to them shall stand cancelled automatically.
- (v) the petitioners shall not tamper with the prosecution witnesses;
- (vi) the petitioners shall co-operate with the investigating agency.
- (vii) the petitioners shall not misuse the liberty granted to them.

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

SD/- B.SATHYAVATHI
ASSISTANT REGISTRAR

SECTION OFFICER

//TRUE COPY//

- To,
1. The Special Sessions Judge for Trial of Cases under NDPS Act-cum-I Additional Sessions Judge at Khammam
 2. The Judicial Magistrate of the First Class, at Bhadrachalam
 3. The Superintendent, District Jail, Khammam
 4. ~~One~~ CC to SRI. J P SRIKANTH Advocate [OPUC]
 5. Two CC's to Public Prosecutor, High Court for the State of Telangana at Hyderabad (OUT)
 6. One spare copy

Avs

HIGH COURT

GSDJ

DATED:01/04/2021

ORDER

CRLP.No.6703 of 2020 &
2333 of 2021

04 APR 2021

BAIL