

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

**WEDNESDAY, THE TWENTY NINTH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY ONE**

PRESENT

THE HONOURABLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION NO: 7213 OF 2021

Between:

Kordhala Bharath Kumar, S/o.Yadaiah, aged about 31 years, Occ. Coolie, R/o.Door No.8-36, Nomula Village, Nakrekal mandal, Nalgonda district

...PETITIONER/ACCUSED-2

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 Memorandum of Grounds of Criminal Petition, the High Court may be pleased to release the petitioner on bail in Crime No.20 of 2021 on the file of Prohibition and Excise Police station, Nakrekal, Nalgonda District.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri A. Prabhakar Rao, Advocate for the Petitioner and the Assistant Public Prosecutor on behalf of the Respondent.

The Court made the following: ORDER

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.7213 OF 2021

ORDER:

This Criminal Petition, under Section 439 of the Code of Criminal Procedure, 1973, is filed by the petitioner/A2, for grant of bail in Crime No.20 of 2021 of Prohibition & Excise Station, Nakrekal, Nalgonda District, registered for the offence punishable under Section 8(c) read with Section 20(b)(i) of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act').

2. Heard the learned counsel for the petitioner/A2, the learned Assistant Public Prosecutor representing the respondent-State and perused the record.

3. Learned counsel for the petitioner/A2 would submit that the petitioner/A2 is innocent and is falsely implicated in the subject case. He has nothing to do with the alleged recovery of ganja. A false case is foisted against him. A3 in the subject case was already granted bail and ultimately prayed to allow the criminal petition as prayed for.

4. On the other hand, learned Assistant Public Prosecutor would submit that only cash was recovered from the possession of A3, whereas 27 kgs of ganja was recovered from the possession of the petitioner/A2, which is more than commercial quantity and ultimately prayed to dismiss the criminal petition.

5. As seen from the material placed on record, the petitioner/A2 had purchased 29 kgs of ganja, out of which, he sold 2 kgs of dry

ganja to unknown person and remaining 27 kgs of ganja was recovered from him, pursuant to his confession on 29.07.2021 at Hitech bus stand, Suryapet. On the same day, he was arrested and remanded to judicial custody. The ganja alleged to have been seized from the possession of A2 is more than commercial quantity. This Court while granting bail under Section 439 Cr.P.C. has to see whether the twin requirements under Section 37 of NDPS Act i.e., i) there are reasonable grounds for believing that the accused is not guilty of such offence; and ii) he is not likely to commit any offence while on bail, are satisfied or not. In the instant case, 27 kgs of ganja alleged to have been seized from the possession of petitioner/A2 pursuant to his confession, under a cover of panchanama, dated 29.07.2021, it cannot be held that the petitioner/A2 is innocent and that he would not indulge in similar offence while on bail. The petitioner/A2 failed to satisfy the twin requirements under Section 37 of NDPS Act to enlarge him on regular bail. Under these circumstances, this Court is not inclined to grant bail to the petitioner/A2 under Section 439 Cr.P.C.

6. Accordingly, the Criminal Petition is dismissed.

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

//TRUE COPY//

SD/-K.SAILESHI
ASSISTANT REGISTRAR


SECTION OFFICER

To,

1. The I Additional District and Sessions Judge, Nalgonda.
2. The Station House Officer, Prohibition and Excise Police Station, Nakrekal, State of Telangana.
3. One CC to Sri A. Prabhakar Rao, Advocate [OPUC]
4. Two CCs to Public Prosecutor, High Court for the State of Telangana at Hyderabad. [OUT]
5. Two CD Copies
6. One Spare Copy

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HIGH COURT

DATED: 29/09/2021

ORDER

CRLP.No.7213 of 2021



DISMISSING THE CRIMINAL PETITION .

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