

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

TUESDAY, THE NINETEENTH DAY OF JANUARY
TWO THOUSAND AND TWENTY ONE

:PRESENT:
THE HON'BLE JUSTICE G.SRI DEVI

CRIMINAL PETITION NO: 6862 OF 2020

Between:

1. Shaik Naseem, Son of Hasan Shaik,
2. Shaik Hasan, Son of Ramzan,

Petitioners/Accused Nos. 1 & 2

AND

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

Respondent

Petition under Sections 437 & 439 of Cr.P.C, praying that in the circumstances stated in the petition and the grounds filed therein, the High Court may be pleased to enlarge the petitioners/ Accused Nos.1 and 2 on bail in Crime No.336/2020, on the file of Police Station Bhadrachalam Town, dated 14.09.2020;

The petition coming on for hearing, upon perusing the petition and the grounds filed herein, and upon hearing the arguments of Sri N.Murali Manohar Reddy, Advocate for the Petitioners, and of the Addl. Public Prosecutor, for the Respondent, the Court made the following.

HONOURABLE JUSTICE G. SRI DEVI

CRIMINAL PETITION NO.6862 OF 2020

ORDER:

The petitioners/A-1 and A-2 filed the present Criminal Petition under Sections 437 and 439 of the Code of Criminal Procedure seeking to grant bail to them in Crime No.336 of 2020 of P.S. Bhadrachalam Town, which was registered for the offence punishable under Section 8(c) read with Section 20(b) of the NDPS Act, 1985.

The allegation against the petitioners/A-1 and A-2 is that on 14.09.2020 at 6.00 am, the police while performing vehicle checking at Forest Check Post, Bhadrachala, stopped one Bajaj CT-100 motor cycle and checked the motor cycle and found two luggage carry bags containing dry ganja and they immediately took the custody of the petitioners/A-1 and A-2 and they seized the dry ganja under cover of panchanama.

Learned Additional Public Prosecutor opposed to grant bail to the petitioners/A-1 and A-2.

Learned counsel for the petitioners/A-1 and A-2 submits that the petitioners have not committed any offence as alleged by the prosecution and they were not carrying ganja as alleged by the prosecution. Only under suspicion, the police arrested the petitioners and implicated in this case. It is further submitted that the petitioners have no criminal antecedents. Further, police completed the investigation and examined all the witnesses. Hence, it is prayed to consider the petitioners' application for bail.

Looking into the facts and circumstances of the case and taking into consideration the gravity of the offence alleged and since

the ganja seized is 42.5 kgs, I am inclined to grant bail to the petitioners/A-1 and A-2.

The Criminal Petition is allowed and the petitioners/A-1 and A-2 shall be released on bail on the following terms and conditions:

- (i) That the petitioners/A-1 and A-2 shall execute a personal bond for Rs.20,000/- (Rupees twenty thousand only) each with two sureties for a like sum each to the satisfaction of the Special Sessions Judge for Trial of Cases under Narcotic Drugs and Psychotropic Substances Act-cum-I Additional Sessions Judge and out of two sureties, one surety shall be from the native district of each of the petitioners;
- (ii) That the petitioners/A-1 and A-2 shall not indulge in similar type of activities in future and if it is found that they are indulged in similar type of activities in future, the liberty granted to them shall automatically stand cancelled.
- (iii) that the petitioners/A-1 and A-2 shall not tamper with the prosecution witnesses;
- (iv) that the petitioners/A-1 and A-2 shall co-operate with the investigating agency. .
- (v) that the petitioners/A-1 and A-2 shall not misuse the liberty granted to them.
- (vi) that the petitioners/A-1 and A-2 shall appear before the Court concerned personally on each date of hearing till conclusion of trial.

Miscellaneous applications pending, if any, shall stand closed.

Sd/- K SHYLESHI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Special Sessions Judge for Trial of Cases under Narcotic Drugs and Psychotropic Substances Act-cum- I Additional Drugs and Psychotropic Substances Act cum I Additional Sessions Judge, Khammam.
2. The Superintendent, District Jail, Khammam.
3. The Station House officer, Bhadrachalam Town Police Station, Khammam District.
4. Two CCs to Public Prosecutor, High Court of Telangana, at Hyderabad (OUT)
5. One CC to Sri N.Murali Manohar Reddy, Advocate (OPUC)
6. one Spare Copy

HIGH COURT

GSD,J

DATE: 19-01-2021

ORDER

CRL.P. NO. 6862 OF 2020

BAIL

