

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

TUESDAY, THE SIXTEENTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY ONE

:PRESENT:
THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION NO: 7305 OF 2021

Between:

Sabbineni Abhishek Rajkumar, S/o. S.Prabhakar,

Petitioner/Accused No.1

AND

The State of Telangana, Rep. by SHO, P.S. Excise, Serilingampally, R.R. District, through
Public Prosecutor, High Court, 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 Petitioner/Accused No.1 on bail in respect of the Crime No.17 of 2021 (P.S., Excise Serilingampally, R.R. District) on the file of learned VII Additional Metropolitan Magistrate, L.B.Nagar, R.R. District;

The petition coming on for hearing, upon perusing the petition and the grounds filed therein, and upon hearing the arguments of Sri K.L.B. Kumar, Advocate for the petitioner, and of the Asst. Public Prosecutor, for the Respondent, the Court made the following;

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No. 7305 of 2021

ORDER:

This Criminal Petition under Sections 437 and 439 Cr.P.C. is filed by petitioner - Accused No.1 in Crime No. 17 of 2021 on the file of P.S. Excise, Serilingampally, R.R. District registered for the offence punishable under Section 8(c) read with 20(b)(ii) C of Narcotic Drugs and Psychotropic Substances Act, 1985, seeking bail.

2. Prosecution alleges that on 14.07.2021, on credible information, Excise personnel raided the vicinity of Ashwarya Apartments, Madhapur, Serilingampally and found the petitioner in suspicious circumstances and seized 2.50 kgs. of Hashish Oil, 650 grams of Charas and 1.5 kgs. of dry ganja.

3. Learned counsel for the petitioner *Sri K.L.B. Kumar* submits that the petitioner is alleged to have in possession of 12 bottles of Hashish Oil, weighing about 10 gms. each. According to him, as per the Schedule, commercial quantity is 1 kg. and as such, there is no bar for grant of bail under Section 37 of the NDPS Act. He further submits that the petitioner has been languishing in jail for the last four months, hence, his case may be considered for grant of bail.

4. On the other hand, learned Assistant Public Prosecutor submits that in this crime, both Accused Nos. 1 and 2 have purchased the contraband from Accused No.3 and the total

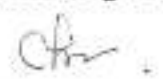
contraband is of commercial quantity, as such, there cannot be any apportionment and that the petitioner is not entitled for bail.

5. As rightly submitted by the learned Assistant Public Prosecutor, there cannot be any apportionment. In this case, seizure is independent and even as per panchnama, only 120 grams is seized which is not a commercial quantity and nothing is forthcoming to show that petitioner has any criminal antecedents. Hence, this Court deems it appropriate to grant bail to the petitioner - Accused No.1.

6. The Criminal Petition is therefore, allowed. The petitioner - Accused No.1 shall be enlarged on bail in connection with Crime No.17 of 2021, P.S. Excise Serilingampally, R.R. District on his executing personal bond for a sum of Rs.50,000/- (Rupees fifty thousand only) with two sureties for a like sum each to the satisfaction of the learned VII Additional Metropolitan Magistrate, L.B. Nagar, Ranga Reddy District. The petitioner shall appear before the police till completion of trial on every Sunday between 10.00 a.m. and 1.00 p.m.

SD/- **K. SHYLESHI**
Assistant Registrar

//TRUE COPY//


SECTION OFFICER

To,

1. The VII Metropolitan Magistrate, L.B. Nagar, Ranga Reddy District.
2. The VII Addl. Metropolitan Magistrate, L.B. Nagar, RR District.
3. The Metropolitan Sessions Judge, Cyberabad, Ranga Reddy District, L.B. Nagar.
4. The Superintendent, Central Prison Cherlapally, Ranga Reddy District.
5. The Station House Officer, PS Excise, Serilingampally, Ranga Reddy District.
6. Two CCs to Public Prosecutor, High Court of Telangana, at Hyderabad (OUT)
7. one CC to Sri K.L.B. Kumar, Advocate (OPUC)
8. One Spare Copy

HIGH COURT

LK,J

DATE: 16-11-2021

ORDER

CRL.P. NO. 7305 OF 2021

BAIL

