

THE HON'BLE Dr. JUSTICE G. RADHA RANI

CRIMINAL PETITION No.9622 OF 2021

ORDER:

This Criminal Petition is filed by the petitioner – A1 under Sections 437 and 439 of Cr.P.C., for grant of regular bail in Crime No.1403 of 2021 on the file of Pet Basheerabad Police Station, Cyberabad, registered for the offence under Section 20(b)(ii)(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short NDPS Act).

2. The case of the prosecution in brief was that on 10.12.2021 at about 8.00 PM, the Sub-Inspector of Police, Pet Basheerabad Police Station, Cyberabad, lodged a report in the Police Station stating that on the same day at 3.00 PM he received credible information about a person possessing and selling ganja at house No.8-88, Devaryamjal Village, Shamirpet Mandal, Medchal District, informed his superiors and obtained necessary permission from ACP, Pet Basheerabad Division for conducting search, summoned the panch witnesses and secured an authorized person for weighing and alongwith clues team members proceeded to the said place and found the petitioner, aged around 28 to 30 years, carrying a bag, who attempted to flee away from his residence, caught hold him and on search of his bag, found four big polythene packets each filled with 500 grams of ganja and 50 small polythene packets each filled with 12 to 14 grams of ganja, total 2.7 kgs., of ganja and seized the same under the cover of panchanama and also seized Vivo make smart phone from his possession, brought him to the police station and lodged the

report. As per the confession of A1, he purchased the ganja from A2, belonging to Odisha State.

3. Heard the learned counsel for the petitioner/A-1 and learned Additional Public Prosecutor for the respondent-State

4. Learned counsel for the petitioner submitted that the petitioner was innocent of the crime alleged and that the police had foisted a false case against him. It was further submitted that the petitioner was in custody since 11.12.2021. He was willing to abide by the terms and conditions that were imposed by this Court in the event of granting bail to him and prayed to enlarge the petitioner/A-1 on bail.

5. Learned Additional Public Prosecutor appearing for the State opposed the petition on the ground that A2 was not yet arrested and investigation was not completed.

6. Perused the record. As the record would disclose that the quantity of ganja seized from the possession of the petitioner/A-1 was less than commercial quantity and the investigation was almost completed except for the arrest of A-2 and A-2 belonged to the State of Odisha and it was not known when the police would apprehend A-2, it is considered not fit to link the release of the petitioner/A-1 with the arrest of A-2 and considered fit to release the petitioner/A-1 on bail subject to certain conditions.

7. Accordingly, the Criminal Petition is allowed and the petitioner/A-1 is directed to be released on bail, subject to the following terms and conditions:

- (i) The petitioner/A-1 shall be released on bail on his executing a personal bond to a tune of Rs.10,000/- (Rupees ten thousand only) with two sureties for a

like sum each to the satisfaction of the XXII Additional Chief Metropolitan Magistrate, Hyderabad.

- (ii) The petitioner/A1 shall appear before the Station House Officer of Pet Basheerabad Police Station on every Sunday between 8.00 AM and 11.00 AM for a period of two months or till filing of charge sheet whichever is earlier.
- (iii) The petitioner/A-1 shall not interfere with the investigation, intimidate or induce the material witnesses and shall co-operate with the investigating agency.
- (iv) The petitioner/A-1 shall not misuse the liberty granted to him.
- (v) The petitioner/A-1 shall personally appear before the Court concerned on each date of hearing till conclusion of trial.

Miscellaneous applications, if any, pending, shall stand closed.

27th December 2021
RRB

Dr. JUSTICE G. RADHA RANI