

THE HON'BLE SRI JUSTICE M. LAXMAN

CRIMINAL PETITION NO. 10008 of 2021

ORDER:

This petition is filed under Sections 437 and 439 of Code of Criminal Procedure, 1973, seeking regular bail to the petitioner/A-2 in connection with Crime No.361 of 2021 on the file of Shamshabad Police Station, wherein the petitioner, along with other accused, is alleged to have committed the offences punishable under Section 20(b) of NDPS Act, 1985

2. The case of the prosecution is that the present petitioner is Driver, and on account of personal problems, he met with A1, and in conspiracy with the other accused, he agreed to transport ganja from East Godavari District to Hyderabad, in order to sell the same to the required customers. The petitioner being Driver along with the other accused at Hyderabad, with a load of ganja in Innova Car bearing No.AP-37-AL-0009 reached to Palamakula on 06.07.2021 and stopped near one Dhaba, and the other accused have contacted the purchasers of ganja, but the phone was switched off, as such, they asked the present petitioner to stay at the Dhaba till they found the purchasers and that when the other accused did not come back, the petitioner dumped the ganja in a plot in GPR venture and left to his native place. After 42 days, when he came along with Innova car to lift back ganja, police apprehended him.

3. Learned counsel for the petitioner submits that the arrest of petitioner was made after 42 days of the incident and the seizure was made immediately on the date of dumping and the delay indicates that there is a suspicion about the involvement of the accused in commission of the crime.

4. The learned Assistant Public Prosecutor opposed the request of the petitioner for grant of bail.

5. As seen from the investigation, the recovery of ganja was made on the date of dumping the contraband by petitioner. The petitioner is a native of East Godavari District and the story of the prosecution that all the accused came after 42 days with Innova car to lift back ganja is in suspicious circumstance. Further, after such a long period, without verifying the existence of the available stock, no prudent accused would return to lift back ganja with a vehicle. Under such suspicious circumstances and considering the period of remand of petitioner, his request for grant of regular bail can be considered by imposing certain conditions.

6. In the result, the petition is allowed and the petitioner/A-2 shall be enlarged on bail, on his executing a personal bond for a sum of Rs.25,000/- (Rupees twenty-five thousand only) with two sureties for a like sum each to the satisfaction of the XIV Additional Metropolitan Magistrate, Cyberabad, Rajendranagar, Ranga Reddy District. On such release, the petitioner shall appear before the Station House Officer, Shamshabad Police Station, on every Sunday between 06:00 a.m. to 06:00 p.m. for a period of three months from today.

7. Consequently, miscellaneous applications pending, if any, shall stand closed.

M. LAXMAN, J

31st December, 2021

sj

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DATE: 31-12-2021

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