

THE HONOURABLE SRI JUSTICE K.SURENDER
CRIMINAL PETITION NO. 2661 of 2022

O R D E R:

This Criminal Petition is filed under Sections 439 of the Code of Criminal Procedure, 1973 (for short “Cr.P.C.”) seeking to enlarge the petitioner, who is arrayed as arrayed as accused No.1, on bail in connection with Crime No.NCB F.No.48/1/1/2022/NCB/SUB-Zone/Hyderabad, registered for the offences punishable under Sections 8 (c) r/w.Section 21 (c), 28 and 29 of Narcotic Drugs and Psychotropic Substances (‘NDPS Act” for brevity).

2. Heard the learned counsel for the petitioner and Sri B. Narsimha Shama, learned Special Public Prosecutor for NCB, and perused the record.

3. The petitioner is 71 years, who received message of winning of \$ 15 Million Dollars, which money was sought to be transferred from Sharaon Tsvangrai. Lured by the said prize money the petitioner gave consent and accordingly he received some documents on 24.07.2021. Having signed the same the petitioner returned to them. The 2nd transaction as

alleged by the prosecution is that this petitioner again received another parcel containing documents in the last week of October, 2021. On 19.1.2022 third parcel was received alleged to be containing documents. The NCB received information regarding some contraband, intercepted the parcel meant for this petitioner at Hyderabad and found two pockets of Heroin of 690 Grams in total. The said pocket was to be delivered at Vijayawada, where the petitioner is residing. For the reason of contraband being found in the said parcel the NCB has taken up the investigation and interrogated this petitioner, and his statement was recorded under Section 67 of NDPS Act and the petitioner was sent to judicial custody on 24.01.2022.

4. The learned Counsel for the petitioner submits that, this petitioner, who is aged 71 years, in fact was lured by false promise of prize money and to convince this petitioner some documents were sent to this petitioner twice, which were received by the petitioner and signed and sent back. On the third occasion the petitioner received parcel, since it was intercepted by NCB at Hyderabad, for which reason, no

knowledge can be attributed to this petitioner regarding parcel containing Heroin which was seized at Hyderabad.

5. The learned Public Prosecutor for NCB, states that as per the investigation the petitioner travelled twice to Delhi and for such travel he was paid Rs.26,000/- on two occasions and therefore it is to be inferred that the petitioner had knowledge about the parcel containing contraband, no logical conclusion can be given as to why he would accept Rs.26,000/- on two occasions to travel to Delhi to handover the documents. Further the investigation is in the process. The Special Public Prosecutor for NCB further submits that this kind of modus operandi is adopted by a person apprehended at Delhi viz., Louis Uzoma @ Peterson Zumba.

6. The petitioner is in jail since 24.01.2022 and only basis for his detention is his earlier trips to Delhi. Further the parcel did not reach the petitioner, for which reason, the knowledge of otherwise can be detected in the further course of investigation. However, taking into consideration of the age of the petitioner, who is 71 years, and the entire

whatsapp communication reflects that the petitioner was lured for prize money of @15 Million, the petitioner can be set at liberty, with certain conditions.

7. Accordingly, the petition is allowed, and the petitioner/A1 is directed to be released on bail on his executing personal bonds for Rs.1,00,000/- (Rupees One lakh only) with two sureties for a like sum each to the satisfaction of the Metropolitan Sessions Judge, Nampally, Hyderabad. The petitioner shall make available for the purpose of investigation and appear before the concerned SHO., on every Monday, for a period of three months.

Accordingly, the Criminal Petition is allowed. As a sequel thereto, miscellaneous applications, if any pending, shall stand closed.

K.SURENDER,J

25.04.2022
trr