

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION No.3799 OF 2022****ORDER:**

This criminal petition is filed under Sections 437 and 439 of Code of Criminal Procedure, 1973 (for short "Cr.P.C") seeking regular bail to the petitioners/Accused Nos.1 to 4 in connection with Crime No.299 of 2020 on the file of Station House Officer, Bhadrachalam Town Police Station, Bhadrachalam District, wherein the petitioners/Accused Nos.1 to 4 were alleged to have committed the offence punishable under Section 8(c) read with Section 20(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act').

2. Heard the learned counsel for the petitioners/Accused No.1 to 4 and the learned Assistant Public Prosecutor for the respondent-State. Perused the record.

3. The petitioners are arrayed as Accused Nos.1 to 4 in the aforementioned crime. On 02.11.2020 this court has granted bail to the petitioners/Accused Nos.1 to 4 vide Crl.Petition No.4233 of 2020 and imposed a condition i.e. "the petitioners shall appear

before the Station House Officer, Bhadrachalam Town Police Station, Bhadradri Kothagudem, on every Sunday between 10.00 a.m. and 05.00 p.m. till completion of investigation and filing of final report”.

4. Thereafter the police filed for cancellation of bail on the ground that the petitioners failed to appear as directed by this court before the concerned police. The order of cancellation of bail was on 03.02.2022 mainly on the ground that when the matter came up for hearing on 21.01.2022, 24.02.2022 and 02.02.2022 there was no representation by the counsel for these petitioners who are the respondents therein. Charge sheet was already filed on 24.10.2021. After filing of the charge sheet, the trial has not yet commenced, however, when the petitioners were already released on bail by this court by order dated 02.11.2020, the petitioners/Accused Nos.1 to 4 can now be released on bail on certain terms and conditions.

5. Accordingly, the Criminal Petition is ordered and the petitioners/Accused Nos.1 to 4 are granted bail subject to the following conditions:

i) The petitioners/Accused Nos.1 to 4 shall execute a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 at Khammam.

ii) The petitioners/Accused Nos.1 to 4 shall appear before the trial Court on every date of hearing if they in jail in other cases also, failing which the prosecution is at liberty to seek cancellation of this bail.

iii) The petitioners/Accused Nos.1 to 4 shall abide by the other conditions stipulated in Section 437(3) of Cr.P.C.

Miscellaneous applications, pending if any, shall stand closed.

K.SURENDER, J

Date: 25.04.2022
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