

HE HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No. 5376 of 2022

ORDER:

This Criminal Petition is filed under Section 438 of Cr.P.C. by petitioner/A3 seeking bail in the event of his arrest in connection with C.O.R.No.73/2022 on the file of Prohibition and Excise Police Station, Ghatkesar, Medchal, Malkajgiri District, registered for the offences punishable under Section 8(c) read with section 20(b)(ii)(B) read with 22(a) of NDPS Act, 1985.

2. Heard learned counsel for the petitioner and learned Assistant Public Prosecutor for the respondent-State.

3. The Prohibition and Excise Office Personnel of Ghatkesar Town searched the premises at Banjarahills and found 17 boxes each containing 7 ml., 8 boxes each containing 5 ml. totaling to 25 boxes, containing 160 ml of ganja and also three LSD paper blots, and arrested Accused Nos.1 and 2. The petitioner who is Accused No.3 was absconding as per the crime occurrence report dated 13.06.2022.

4. Learned Counsel for the petitioner submits that this petitioner was in Goa in between 12.06.2022 and 15.06.2022.

5. Learned Assistant Public Prosecutor on verification would submit that the allegation against this petitioner is one of the supplying the material and though assuming that he was not

present when the seizures were made, it will not affect the investigation, since he is a peddler and supply drugs.

6. Learned Counsel for the petitioner submits that the petitioner travelled to Goa on 12.06.2022 and also produced bus ticket.

7. On the basis of the bus ticket, the petitioner submits that he was in Goa on 13.06.2022, as such, question of anything to do with the alleged seizures from A1 and A2 is ruled out.

8. As seen from the bus tickets, the petitioner had travelled to Goa. The bus ticket is in the name of the petitioner showing the travelling date as 12.06.2022. In the event of the Investigating Officer finding any kind of fabrication of the said ticket or that he has not travelled, it is for the Investigating Officer to proceed against this petitioner accordingly.

9. However, in the present circumstances, when the petitioner was *prima facie* in Goa, and has no questionable antecedents, he can be granted the relief of anticipatory Bail on the following conditions.

- 1) The petitioner/A3 is directed to surrender before the Station House Officer, Ghatkesar Police Station, Medchal, Malkajgiri District, within a period of 10 days from the date of this order. On such surrender, the said Station House Officer shall release the petitioner/A3 on bail, on his executing personal bond for a sum of

Rs.15,000/- (Rupees Fifteen thousand only) with two sureties in a like sum each to his satisfaction.

- 2) On such release, the petitioner/A3 shall appear before the said Station House Officer on every Monday between 10.00 a.m. to 1.00 p.m. for a period of eight weeks, for the purpose of investigation.
- 3) The petitioner/A3 shall abide by the other conditions stipulated in Section 438(2) of Cr.P.C and shall co-operate with the Investigating Officer in investigating the case.

10. Accordingly, the criminal petition is allowed.

Miscellaneous applications, if any pending in this criminal petition, shall stand closed.

Date :13.07.2022
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K.SURENDER, J

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Dt.13.07.2022

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