

HE HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No. 5564 of 2022

ORDER:

This Criminal Petition is filed under Section 438 of Cr.P.C. by petitioner/Accused seeking bail in the event of his arrest in connection with C.O.R.No.43/2022 on the file of Prohibition and Excise Police Station, Dhoolpet, Hyderabad, registered for the offences punishable under Section 8(c) read with section 20(b)(ii)(B) of NDPS Act, 1985.

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

3. The Excise police, Dhoolpet, on receiving information that a person was transporting ganja on Honda Activa vehicle bearing No.AP 11 AP 6472, near Dhoolpet, stopped the person on the Honda. Leaving the said vehicle the said person fled. The police tried to ascertain the identity of the person who had fled the vehicle in which 1.1 kgs. of ganja was found and came to know that the petitioner herein was the person who had left the vehicle and fled the place on seeing the excise police.

4. Learned Counsel for the petitioner submits that the area is crowded area and the question of identifying this petitioner as the very same person who has fled leaving the vehicle, cannot be believed and the said Honda Activa which was found on the said place also does not belong to this petitioner.

5. On instructions, the learned Assistant Public Prosecutor submits that the vehicle does not belong to the petitioner, however, there are no cases pending against this petitioner.

6. Since the contraband seized is less than the commercial quantity and since the excise personnel are strangers to this petitioner, when the vehicle was stopped, this petitioner can be granted the relief of anticipatory bail on the following conditions.

- 1) The petitioner/Accused is directed to surrender before the Station House Officer, Excise Police Station, Dhoolpet, Hyderabad, within a period of 10 days from the date of this order. On such surrender, the said Station House Officer shall release the petitioner/Accused on bail, on his executing personal bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) with two sureties in a like sum each to his satisfaction.
- 2) On such release, the petitioner/Accused shall appear before the said Station House Officer on every Monday and

Wednesday between 10.00 a.m. to 5.00 p.m. for a period of two months, for the purpose of investigation.

- 3) The petitioner/Accused 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.

7. Accordingly, the criminal petition is allowed.

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

K.SURENDER, J

Date :08.07.2022
tk

THE HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No. 5564 of 2022
Dt.08.07.2022

tk