

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION No.5853 OF 2022****ORDER:**

This Criminal Petition is filed under Section 438 of the Code of Criminal Procedure, 1973 seeking bail to the petitioner who is arrayed as Accused No.9 in the event of his arrest in Crime No.158 of 2022 on the file of Station House Officer, Humayun Nagar Police Station, Asif Nagar Division, Hyderabad, registered for the offence punishable under Section 8(c) read with Section 20(b)(ii)(B) and 27 of NDPS Act.

2. Heard learned counsel for petitioner/Accused No.9 and learned Assistant Public Prosecutor for respondent-State. Perused the record.

3. The case of the prosecution is that Accused Nos.1 and 2 were arrested on the allegation of being in possession of 4 grams of Cocaine on 09.06.2022. During the course of investigation, it has come to the knowledge of the investigating officer that this petitioner is a consumer and arrayed as Accused No.9.

4. Learned counsel for the petitioner would submit that the petitioner is falsely implicated and has nothing to do with any purchasing of Cocaine.

5. On the other hand, learned Assistant Public Prosecutor submits that this petitioner though arrayed as consumer he has to assist investigation to complete and file final report.

6. In the said circumstances, since the petitioner is shown as consumer, the petitioner/Accused No.9 can be granted the relief of anticipatory bail.

7. Accordingly, the Criminal Petition is allowed and the petitioner/Accused No.9 shall be enlarged on bail in the event of his arrest subject to the following conditions:

i) The petitioner/Accused No.9 is directed to surrender before the Station House Officer, Humayun Nagar Police Station within one week from today, and on such surrender, he 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 to the like sum each, to its satisfaction.

ii) The petitioner/Accused No.9 shall appear before the concerned police as and when required for assisting investigation including undertaking any tests if so required.

iii) The petitioner/Accused No.9 shall abide by the other conditions stipulated in Section 438(2) Cr.P.C.

8. As a sequel thereto, miscellaneous applications, if any pending, shall stand closed.

Date: 06.07.2022
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K.SURENDER, J