

**THE HON'BLE SRI JUSTICE N.TUKARAMJI**

**CRIMINAL PETITION No.7690 OF 2021**

**ORDER:**

This criminal petition is filed under Sections 437 and 439 of Code of Criminal Procedure, 1973 seeking regular bail by petitioners/A1 to 3 in Crime No.298 of 2021 on the file of Bhadrachalam Town Police Station, registered for the offence punishable under Section 8(c) r/w. 20 (b) of Narcotic Drugs and Psychotropic Substances Act, 1985.

2. The case of the prosecution in brief is that on 19.07.2021 at 4:00 P.M., the accused were apprehended while travelling in a Car with 60 kgs., of dry ganja.

3. Learned counsel for the petitioners submits that the petitioners are innocent and they were only travelling in the vehicle, no way concerned with the offence and the real culprits fled away from the scene. Further pleaded that the petitioners 1 and 2 are the Government employees, hence securing their presence would not be difficult. That apart, the daughter of the 1<sup>st</sup> petitioner is suffering ill health and the situation requires his presence. However, the investigating agency filed charge sheet and the petitioners are ready to furnish sufficient sureties and hence prayed for grant of bail.

4. Learned Assistant Public Prosecutor submits that the investigation is completed. However, the petitioners 1 and 2 are of the State of Orissa, as such if released, securing their presence for the proceedings would be difficult.

5. Heard and perused the record.

6. Petitioners are in custody since 19.07.2021. Admittedly, the investigation is completed and charge sheet is also filed. The prosecution except raising the ground of securing their presence, no other aspect is advanced for the petitioners continue in the custody. Having regard to the totality of the circumstances and the duration of judicial custody undergone by the petitioners, I deem it appropriate to allow the prayer of the petitioners for grant of bail, however subject to following conditions.

(i) The petitioners/A1 to 3 are enlarged on bail in connection with Crime No.298 of 2021 on the file of the Bhadrachalam Town Police Station, on their executing personal bonds for a sum of Rs.50,000/- (Rupees fifty thousand only) each with two solvent 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/A1 to A3 shall furnish their residence and contact particulars to the concerned investigating officer and inform the changes, if any, from time to time.

(iii) The petitioners shall also appear before the investigating officer on every Wednesday between 10:00 A.M. and 5:00 P.M.

(iv) If the petitioners fail to abide by any of the conditions stated above, the bail granted shall automatically be cancelled.

7. The Criminal Petition is accordingly allowed.

**N.TUKARAMJI, J**

Date:27.01.2022

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