

THE HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No. 6114 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 Crime No.520/2022 on the file of Banjara Hills Police Station, Hyderabad District, registered for the offences punishable under Section 2 of Passports Act, 1967 and 14 of the Foreigners Act, 1946.

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

3. The case of the prosecution is that the police of Banjara Hills arrested Accused No.1 namely Henry Chigbo Umebuenyi when he was going in a suspicious circumstances. It was revealed that his Visa and passport were expired, however he is overstaying without any valid Visa in India, for which reason, the police registered a case under Section 2 of the Passports Act, 1967 and Section 14 of the Foreigners Act, 1946.

4. During the course of investigation, the said person has confessed that he was dealing with drugs and also supplying to several persons. In the Confession-cum-seizure Panchanama of

Accused No.1 the name of this petitioner is shown as purchaser who used to consume the same.

5. Learned Counsel for the petitioner submits that the police came to his home and searched the premises and did not find any drugs in the premises, however, the police are making attempts to arrest this petitioner for which reason the petitioner sought for Anticipatory Bail.

6. As seen from the confession-cum-seizure panchanama the name of this petitioner is shown as consumer. However, the Remand Report dated 29.06.2022 which is pursuant to the confession on 28.06.2022, the name of this petitioner is not arrayed as accused. However, in the present circumstances when there is confession which indicates that this person was a consumer, the prayer for Anticipatory Bail can be considered.

7. Learned Assistant Public Prosecutor submits that there no questionable antecedents against this petitioner.

8. In the said circumstances, this criminal petitioner is allowed and the petitioner/Accused shall be enlarged on bail in the event of his arrest, subject to the following conditions:

- 1) The petitioner/Accused is directed to surrender before the Station House Officer, Banjara Hills Police Station,

Hyderabad 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/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 as and when directed, 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 allowed.

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

Date :14.07.2022
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K.SURENDER, J

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Dt.14.07.2022

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