

Hon'ble Dr. Justice Chillakur Sumalatha

Criminal Petition No.8278 of 2021

ORDER:

This is a petition filed seeking the Court to enlarge the petitioner on bail. The petitioner is arrayed as Accused No.1 in COR No.26/2021 of Prohibition and Excise Police Station, Shamshabad, Ranga Reddy District, which is registered for the offence under Section 8 (c) r/w 20 (b)(ii)(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. Heard the submission of the learned counsel appearing for the petitioner/A1 and also the learned Assistant Public Prosecutor.

3. Learned counsel for the petitioner submits that the petitioner has not committed any offence as alleged by the respondent and the petitioner is falsely involved in this case and nothing was seized from the possession of the petitioner/A1. Learned counsel also submits that the petitioner is in judicial custody since more than seven months and as entire investigation is completed and charge sheet is also filed, the petitioner is entitled to bail.

4. Opposing the said submission, the learned Assistant Public Prosecutor contends that the petitioner is a habitual offender and indeed, 34 Kgs of Ganja was seized from his possession and further, the petitioner is involved in a similar

crime and hence, he is not entitled to bail. In reply to the said submission, the learned counsel for the petitioner/Accused No.1 stated that the vehicle from which the alleged Ganja was seized does not belong to the petitioner and the same is evident as per the contents of Remand Report and further, the mother of the petitioner is hospitalized and therefore his request should be considered.

4. In the light of above contentions and rival contentions, the point that arises for consideration is:

Whether the petitioner/A1 is entitled to bail as prayed for?

5. The case of the prosecution in brief as could be culled out through the material available on record is that on 15.06.2021, on reliable information, regarding illegal transportation and sale of dry Ganja, Enforcement Officials conducted route watch and they detected illegal transportation of Ganja in a Hyundai Verna Car, but the person who was driving the said car absconded and the person absconding is the petitioner herein.

6. A perusal of the panchanama dated 15.06.2021 reveals mentioning of the details of the petitioner herein and that the information received is that the petitioner is transporting the Ganja. However, the learned Public Prosecutor also conceded that the investigation is completed and charge sheet is also filed. Having regard to the said fact and as it is brought on record that the petitioner is in judicial custody since more

than seven months, it is considered desirable to enlarge him on bail conditionally, as prayed for.

7. Resultantly, the petition is allowed and the petitioner/A1 shall be enlarged on bail on his executing a personal bond for a sum of Rs.1,00,000/- (Rupees One Lakh only) with two sureties for a likesum each to the satisfaction of the Court of Metropolitan Sessions Judge, Cyberabad, Ranga Reddy District at L.B.Nagar. The sureties are directed to submit their two latest passport size photographs at the time of furnishing solvency. One such photograph is ordered to be pasted in the Surety Register against the name of the surety. The other photograph shall be kept in the case record concerned.

The petitioner/accused No.1 shall oblige the following conditions:

- (i) The petitioner/accused No.1 shall not leave Ananthapur District of Andhra Pradesh State for a period of one year from today, except on obtaining permission from the Court before which the case is pending.
- (ii) The petitioner/accused No.1 should not involve in any unlawful activity.
- (iii) The petitioner/accused No.1 should not cause the evidence of the offence disappear.
- (iv) The petitioner/accused No.1 should not tamper with the evidence in any manner.

(v) The petitioner/accused No.1 should not by way of inducement, threat or promise, dissuade any person who is acquainted with the facts of the case, from disclosing such facts to the Court or to the Police Officer.

(vi) The petitioner/accused No.1 should ensure his presence whenever required by the Court or Police.

(vii) Any deviation of the above conditions would entitle the respondent to take appropriate steps for cancellation of the bail.

Miscellaneous petitions, if any, pending shall stand closed.

Dr. Justice Chillakur Sumalatha

31st January, 2022

YVL

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Date:31.01.2022

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