

Hon'ble Dr. Justice Chillakur Sumalatha

Criminal Petition No.9426 of 2021

ORDER:

This is a petition filed under Section 439 Cr.P.C. seeking the Court to enlarge the petitioner on bail. The petitioner is arrayed as Accused No.3 in Crime No.232 of 2021 of Bhadrachalam Town Police Station, Bhadrachalam District, which is registered for the offence under Section 8 (c) r/w 20 (b) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. Heard the submission of the learned counsel appearing for the petitioner/Accused No.3 and the learned Assistant Public Prosecutor, who is appearing for the respondent.

3. Learned counsel for the petitioner submits that the petitioner has not committed any offence whatsoever. The petitioner is involved in this case while he was in judicial custody, basing on the confessional statement of the alleged co-accused and the said confessional statement is invalid in eye of law and therefore, the petitioner is entitled to bail. Learned counsel further submits that the petitioner has not committed any offence and even if the version of the prosecution is believed to be true, the alleged contraband was seized from the possession of A1 and A2 only and nothing was seized from the possession of the petitioner herein and the petitioner is in judicial custody since more than six (6)

months and charge sheet is also filed and therefore, the petitioner may be granted bail.

4. On the other hand, learned Public Prosecutor submits that the petitioner is involved similar crimes i.e., in Crime No.293 of 2021 of Miryalguda Police Station and Crime No.299 of 2020 of Bhadrachalam Town Police Station and hence, the petitioner is not entitled to bail.

5. Thus, in the light of above contentions and rival contentions, the point that arises for consideration is:

Whether the petitioner/Accused No.3 is entitled to bail as prayed for?

6. As per the material available on record, the version of the prosecution is that the petitioner was transporting Ganja. The version of the prosecution is also that the petitioner, who is figured as A3, A.4 and A.5 informed A.1 and A.2 to go to Odessa State Border, consult A.6 and get Ganja. On that A.1 and A.2 went to Odessa State and brought Dry Ganja of 200 kgs and were transporting the same to Hyderabad via Bhadrachalam.

7. Learned Public Prosecutor conceded that the investigation is completed and charge sheet is also filed. Thus, having regard to the submission made by learned counsel for the petitioner and as the investigation is completed and charge sheet is also filed, this Court is of the

view that it is desirable to enlarge the petitioner/A3 on bail conditionally, as prayed for.

8. Resultantly, the petition is allowed and the petitioner/Accused No.3 shall be enlarged on bail on executing a bond for Rs.1,00,000/- (Rupees one lakh only) with two sureties for a like sum each to the satisfaction of the Court of Judicial Magistrate of First Class, Bhadrachalam. 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.3 shall oblige the following conditions:

- (i) The petitioner/accused No.3 shall not leave Nalgonda District for a period of one year, without obtaining permission from the Criminal Court concerned, where the case against him is pending.
- (ii) The petitioner/accused No.3 should not involve in any unlawful activity.
- (iii) The petitioner/accused No.3 should afford all assistance for the proper investigation of the case.
- (iv) The petitioner/accused No.3 should not cause the evidence of the offence disappear.

(v) The petitioner/accused No.3 should not tamper with the evidence in any manner.

(vi) The petitioner/accused No.3 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.

(vii) The petitioner/accused No.3 should ensure his presence whenever required by the Court or Police.

(viii) 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.

31st January, 2022
YVL

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Date:31.01.2022

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