

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION No.8589 OF 2022****ORDER:**

This Criminal Petition is filed under Sections 437 and 439 of Code of Criminal Procedure, 1973 (for short "Cr.P.C") seeking regular bail to the petitioner who is arrayed as Accused No.2 in SC NDPS N.105 of 2022 pending on the file of I Additional Metropolitan Sessions Judge at Hyderabad which arose out of Crime No.593 of 2021 of Jubileehills Police Station, Hyderabad for the offence punishable under Section 8(c) read with Section 20(b)(ii)(C) of Narcotic Drugs and Psychotropic Substance Act, 1985.

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

3. The case of the prosecution is that this petitioner and Accused No.1 were found in the house of Accused No.1 in possession of 40 kgs of ganja by Accused No.1 and 30 kgs of ganja was in possession of this petitioner. Both of them were arrested and sent to remand, after following the procedure laid down under NDPS Act.

4. Learned counsel for the petitioner would submit that the investigation is already completed and charge sheet is also filed. He also submits that the only basis for the petitioner to be arrayed as Accused No.2 was the confession of Accused No.1.

5. Admittedly the petitioner was not resident of the said premises where the seizure was made. However, keeping in view the contraband being 30 kgs and since the petitioner is in jail since 28.10.2021, the prayer for bail of this petitioner can be considered on certain conditions.

6. Accordingly, the Criminal Petition is allowed and the petitioner/Accused No.2 is granted bail subject to the following conditions:

i) The petitioner/Accused No.2 is directed to be released on bail on his executing personal bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties each for a like sum to the satisfaction of I Additional Metropolitan Sessions Judge, Hyderabad.

ii) After release on bail, the petitioner/Accused No.2 shall appear before the trial Court on every date of hearing and he shall not in any manner delay the process of trial, failing which the

prosecution is at liberty to move for cancellation of bail granted to this petitioner/Accused No.2.

iii) The petitioner/Accused No.2 shall abide by the other conditions stipulated in Section 437(3) of Cr.P.C.

Miscellaneous applications, pending if any, shall stand closed.

K.SURENDER, J

Date: 18.10.2022
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