THE HONOURABLE SRI JUSTICE N. TUKARAMJI

CRIMINAL PETITION No.8971 OF 2022

ORDER:

This petition under Section 437 and 439 of Code of Criminal Proceeding (CPC) seeking Regular Bail by the Petitioner/1st Accused in C.O.R.No.35 of 2022 on the file of Prohibition and Excise Station, Narayankhed, Sangareddy District, registered for the offences punishable under Sections 8(c) R/w. Section 22 (c) of NDPS Act, 1985.

2. Heard learned Senior Counsel for the petitioner and learned Assistant Public Prosecutor.

3. The prosecution case is that on 20.03.2022 the petitioner/1st Accused along with other accused were apprehended while in possession of 1.150 grams of Alprazolam. Thus, committed offences under Sections 8(c) R/w Section 22 (c) of NDPS Act, 1985.

4. Learned counsel for the petitioner would submit that, having regard to the health condition of the petitioner, earlier this Court had granted interim bail and thereafter extended the same from time to time and in Criminal Petition No. 7363 of 2022, dated 22.08.2022 the interim bail was extended till 10.10.2022. Howsoever, the health condition of the petitioner is still unimproved and continuously needs medical attention. Howsoever, the

investigating agency has completed the investigation and also filed charge sheet. Hence, considering the health complication as an exception, prayed for granting bail.

5. Per contra the learned Assistant Public Prosecutor has opposed the petition and would submit that the petitioner was found in possession of commercial quantity of contraband and he has no instruments as to filing of thecharge sheet.

6. Perused the materials on record. The record is disclosing that due to cardiac issues, the petitioner was moved to hospital and considering the ailment, this Court had granted interim bail and extended continuously till 10.10.2022. The prosecution has not disputed the pleaded health condition of the petitioner. Having regard to these aspects and the fact that charge sheet has been filed and the indispensation of the petitioner I am inclined to grant bail.

7. Accordingly, this Criminal Petition is allowed in following terms:

i. The petitioner/1st Accused is directed to be released on bail on executing a personal bond for Rs.50,000/- (Rupees fifty thousand only) with two sureties for a like sum each to the satisfaction of Judicial Magistrate of I-class, Narayankhed, Sangareddy District.

ii. Further, the petitioner/1st Accused is directed to appear before the Station House Officer, Prohibition and Excise Station, Narayankhed, Sangareddy District on 2nd and 4th Wednesday of every month in between 10.00 AM to 12.00 PM until further orders.

iii. The petitioner shall make himself available as and when required by the investigating officer in regard to this case.

iv. Further, the petitioner shall not influence or intimidate or attempt to tamper any prosecution witnesses or the evidences of prosecution.

N. TUKARAMJI, J

Date:14.10.2022
Bw/Rev