

***HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA***

***CRIMINAL PETITION No.10301 of 2022***

**ORDER:**

Heard Sri Mohd. Ismail Khan, learned counsel who argued on behalf of Sri M.A.Wahab, learned counsel on record for the petitioner, as well as learned Additional Public Prosecutor who is representing the respondent.

2. Seeking the Court to enlarge the petitioner, who is arrayed as accused No.1 in Crime No.340 of 2022 of Choutuppal Police Station, Rachakonda Commissionerate, on bail, the present Criminal Petition is filed.

3. Learned counsel for the petitioner states that commercial quantity of MDMA drug is 10 grams. However, even as per the version of the prosecution, only 2.58 grams of MDMA drug was seized from the possession of the petitioner, which is less than commercial quantity. Learned counsel also states that the petitioner is in judicial custody since more than 120 days and only because the petitioner is a resident of North-eastern state of the country, bail was denied to her and all the other accused including a foreign national was

enlarged on bail and as the entire investigation is completed, the petitioner may be enlarged on bail.

4. The submission of the learned Additional Public Prosecutor is that six material witnesses were examined till now. However, learned Additional Public Prosecutor apprehends that in case, the petitioner is enlarged on bail, she may not turn up during the course of trial. On that, learned counsel for the petitioner states that the petitioner undertakes to reside at Hyderabad till the conclusion of trial proceedings and therefore, bail may be granted to her.

5. Having considered the submissions thus made and as the contraband seized from the possession of the petitioner is less than commercial quantity and as material part of investigation is completed, this court considers it desirable to honour the request of the petitioner for grant of bail, however conditionally.

6. Resultantly, this Criminal Petition is allowed with the following conditions:-

- (i) The petitioner/accused No.1 shall be enlarged on bail on her executing a personal bond for Rs.50,000/- (Rupees Fifty thousand only) with

two sureties for the like sum each to the satisfaction of the Court concerned. 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.

(ii) In case, the petitioner/accused No.1 holds a passport, she is directed to surrender the same, if it is not seized by now.

(iii) The petitioner/accused No.1 should not involve in any unlawful activity.

(iv) The petitioner/accused No.1 should afford all assistance for proper investigation of the case.

(v) The petitioner/accused No.1 should not cause the evidence of the offence disappear.

(vi) The petitioner/accused No.1 should not tamper with the evidence in any manner.

(vii) 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.

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

(ix) The petitioner/accused No.1 shall not leave India without previous permission of the court concerned.

(x) The petitioner/accused No.1 shall report before the Station House Officer, Choutuppal Police Station, Rachakonda Commissionerate, on every Monday between 10.30 a.m. and 12.00 p.m. till filing of the final report.

(xi) The petitioner/accused No.1 is directed not to leave Hyderabad city till the conclusion of trial proceedings.

(xii) In case, the petitioner intends to leave Hyderabad city, she has to obtain prior permission from the Court concerned.

(xiii) If it is brought to the notice of the Court concerned that the petitioner has left Hyderabad city limits without prior permission, the said

ground is sufficient for cancellation of bail granted to her.

(xiv) The petitioner/accused No.1 shall file an affidavit before the court concerned disclosing the following particulars:-

- (1) Contact number
- (2) Mail address
- (3) Residential particulars.

In case, there is any change in the aforementioned details, the petitioner shall intimate the court concerned by giving a fresh affidavit duly mentioning the change. She shall continue to do so till filing of the final report.

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

7. As a sequel, miscellaneous petitions pending, if any, shall stand closed

---

**Dr. JUSTICE CHILLAKUR SUMALATHA**

28.11.2022  
DR