

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**THURSDAY THE TWENTY FOURTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY TWO**

PRESENT

THE HONOURABLE DR. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION NO: 10038 OF 2022

Between:

Kaliwala Manju W/o. Kaliwala Jitender, Aged 40 years, Occ. Labour, R/o.
H.No.56-265, Vijay Nagar, Quthbullapur, Chinthal, Hyderabad

...Petitioner/Accused No.3

AND

The State of Telanagana, represented By its Public prosecutor, High Court of
Telangana Hyderabad.

...Respondent/Complainant

Petition under Section 437 and 439 of Cr.P.C praying that in the
circumstances stated in the Memorandum of Grounds of Criminal Petition, the
High Court may be pleased to enlarge the Petitioner/Accused No.3 in Crime No.
71 of 2022 of Excise SHO Balanagar bail on such condition or conditions as this
Honourable Court may deem fit and proper in the interest of Justice.

This Petition coming on for hearing, upon perusing the Memorandum of
Grounds of Criminal Petition and upon hearing the arguments of Sri M.
Amarnath, Advocate for the Petitioner and the Additional Public Prosecutor on
behalf of the Respondent

The Court made the following: ORDER

HONBLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.10038 of 2022

ORDER:

Heard Sri M.Amarnath, learned counsel 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.3 in COR.No.71 of 2022 of Excise Police Station, Balanagar, on bail, the present Criminal Petition is filed.

3. Making his submission, learned counsel for the petitioner contends that nothing was seized from the possession of the petitioner and the dry ganja, that too less than commercial quantity was seized from the possession of accused Nos.1 and 2 even as per the version of the prosecution and therefore, the petitioner is entitled for bail. Learned counsel also states that as the quantity of ganja found in possession of accused Nos.1 and 2 is less than commercial quantity, Section 37 of the Narcotic Drugs And Psychotropic Substances, Act, 1985, does not attracts to the case facts and thus, the petitioner is entitled for bail.

4. Vehemently opposing the said submission, Learned Additional Public Prosecutor contends that the petitioner is involved in several other offences. Learned Additional Public Prosecutor states that five criminal cases are pending against the petitioner and all are regarding involvement of the petitioner in dealing with narcotic drugs and psychotropic substances. Learned Additional Public Prosecutor also stated that as the petitioner was found repeatedly involved in the activities of illegal possession and sale of ganja, a request for ordering preventive detention under the Telangana Preventive Detention Act, 1970, was also made and the same is pending before the Advisory Board.

5. As per the information furnished by the learned Additional Public Prosecutor, the petitioner is arrayed as an accused in C.O.R.Nos.115 of 2017, 28 of 2019, 111 of 2017, 19 of 2020 and 30 of 2021, all registered by the Excise Police, Balangar Police Station, contending that the petitioner is involved in possession/transportation of 1.2 kgs, 1.2 kgs, 4.5 kgs, 1.2 kgs and 1.2 kgs of ganja respectively.

6. Having regard to the information thus furnished by the learned Additional Public Prosecutor, this Court is not

inclined to accept the submission of the learned counsel for the petitioner that as the case facts does not fall within the ambit of Section 37 of the Narcotic Drugs And Psychotropic Substances, Act, 1985, the petitioner is entitled for bail. Though the learned counsel projected that the petitioner being a woman is entitled for bail, this Court is not inclined to enlarge the petitioner on bail even on that ground having regard to the allegations levelled against her. Therefore, this Criminal Petition is dismissed.

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

SD/- L. SIVA PARVATHI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The I Additional District and Sessions Judge-Cum-Metropolitan Sessions Judge Cyberabad at Medchal-Malkajgiri District at Malkajgiri.
2. The II Additional Junior Civil Judge Cum XIII Additional Metropolitan Magistrate at Kukatpally, Medchal-Malkajgiri District.
3. The Station House Officer, Excise Police Station, Balanagar.
4. Two CCs to the Additional Public Prosecutor, High Court for the State of Telangana, at Hyderabad [OUT]
5. One CC to Sri M. Amarnath, Advocate [OPUC]
6. Two CD Copies

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HIGH COURT

Dr. CSL,J

DATED:24/11/2022

ORDER

CRLP.No.10038 of 2022



DISMISSING THE CRIMINAL PETITION

(9)

PM

7/1/23