

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.10291 of 2022

ORDER:

Heard Ms. Talat Madiha, learned counsel who argued on behalf of Sri T.Chaitanya Kumar, 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.317 of 2022 of Bhadrachalam Town Police Station, Bhadradri-Kothagudem District, on bail, the present Criminal Petition is filed.

3. Learned counsel for the petitioner submits that the petitioner has not committed any offence whatsoever and even per the version of the prosecution, the petitioner is found transporting 7 kgs of ganja, which is less than commercial quantity and hence, the petitioner may be enlarged on bail. Learned counsel also states that the petitioner is in judicial custody since more than one month.

4. Learned Additional Public Prosecutor submitting that the contraband seized from the possession of the petitioner is

less than commercial quantity, states that six material witnesses were examined till now.

5. Thus, by the submission of the learned Additional Public Prosecutor, it is clear that material part of investigation is completed. As per the version of the prosecution, the petitioner and another purchased ganja from accused No.3 and were transporting it.

6. Having regard to the stage of investigation and as the quantity of ganja seized from the possession of the petitioner is less than commercial quantity, this Court is of the view that the request of the petitioner for grant of bail can be honoured, however conditionally.

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

- (i) The petitioner/accused No.1 shall be enlarged on bail on his 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, he 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 his 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, Bhadrachalam Town Police Station, Bhadrachalam District, 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 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. He 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.

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

Dr. JUSTICE CHILLAKUR SUMALATHA

28.11.2022
DR