

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION Nos.10666, 10667, 10669 and 10706 of
2022

COMMON ORDER:

Heard Sri M.Amarnath, learned counsel for the petitioners, as well as learned Additional Public Prosecutor who is representing the respondent.

2. These Criminal Petitions are filed under Section 439 Cr.P.C seeking to enlarge the petitioners, who are arrayed as accused Nos.4 to 7 in Crime No.451 of 2022 of Mills Colony Police Station, Warangal, on bail.

3. Making his submission, learned counsel for the petitioners contends that the petitioners, even as per the version of the prosecution, were found in possession of 4 kgs, 8 kgs and 6 kgs of ganja respectively, so far as accused Nos.4 to 6 are concerned and nothing was seized from the possession of accused No.7 and hence, the case will not fall within the ambit of Section 37 the Narcotic Drugs And Psychotropic Substances Act, 1985, and further, the petitioners are in judicial custody since 85 days and therefore, they may be enlarged on bail.

4. On the other hand, the submission of learned Additional Public Prosecutor is that the petitioners were arrested while they were in possession of ganja and further, the petitioners are residents of Delhi.

5. It is not disputed that the petitioners are in judicial custody since 85 days. Also, the contraband seized, as submitted by the learned counsel for the petitioners is not disputed by the learned Additional Public Prosecutor. Further, it is stated that nothing was seized from the possession of accused No.7.

6. Having considered these facts, this Court is of the view that the request of the petitioners can be honoured, however conditionally.

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

- (i) The petitioners/accused Nos.4 to 7 shall be enlarged on bail on each of them executing a personal bond for Rs.40,000/- (Rupees Forty 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 petitioners/accused Nos.4 to 7 hold passport, they are directed to surrender the same, if they were not seized by now.

(iii) The petitioners/accused Nos.4 to 7 should not involve in any unlawful activity.

(iv) The petitioners/accused Nos.4 to 7 should afford all assistance for proper investigation of the case.

(v) The petitioners/accused Nos.4 to 7 should not cause the evidence of the offence disappear.

(vi) The petitioners/accused Nos.4 to 7 should not tamper with the evidence in any manner.

(vii) The petitioners/accused Nos.4 to 7 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 petitioners/accused Nos.4 to 7 should ensure their presence whenever required by the Court or Police.

(ix) The petitioners/accused Nos.4 to 7 shall not leave India without previous permission of the court concerned.

(x) The petitioners/accused Nos.4 to 7 shall report before the Station House Officer, Mills Colony Police Station, Warangal, on every Monday between 10.30 a.m. and 12.00 p.m. till filing of the final report.

(xi) The petitioners/accused Nos.4 to 7 shall file separate affidavits 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 petitioners shall intimate the court concerned by giving separate fresh affidavits duly mentioning the change. They 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

12.12.2022
dr