

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.11299 of 2022

ORDER:

1. Heard Smt.Bibi Ayesha Mohammed, learned counsel for the petitioner as well as the learned Additional Public Prosecutor who is representing the Respondent-State.

2. Seeking the Court to enlarge the petitioner, who is arrayed as Accused No.1 in Crime No.321 of 2022 of Begumpet Police Station, on bail, the present Criminal Petition is filed under Section 439 Cr.P.C.

3. Making her submission, learned counsel for the petitioner contends that the contraband seized, even as per the version of the prosecution, initially was 20Kgs. But now, to make the contraband fall under commercial quantity, the Investigating Agency started showing that the contraband seized is 20.930Kgs. Learned counsel also submits that the petitioner is in judicial custody since about 170 days and the entire investigation is also completed and therefore, he may be enlarged on bail.

4. On the other hand, the learned Additional Public Prosecutor states that after thorough weighing, it was

found that the Ganja found in the possession of the petitioner is 20.930Kgs.

5. As per the contents of the First Information Report, four packets, weighing 5Kgs each, totaling approximately 20Kgs of Ganja, were seized. The confessional statement-cum- seizure panchanama also discloses the same. However, in the Remand Report, it is mentioned that the total contraband seized is 20.930 Kgs. Why at the time of seizure the contraband was not properly weighed is not indicated anywhere.

6. Having regard to the said fact and taking into consideration the submission of the learned counsel for the petitioner, this Court is of the view that the request of the petitioner can be honoured, however, conditionally.

7. Resultantly, the 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 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) The petitioner/Accused No.1 shall report before the Station House Officer, Begumpet Police Station (Hyderabad), on every Monday between 10.30 AM and 12.00 PM till filing of final report.
- (iii) The petitioner/Accused No.1 should not involve in any unlawful activity.
- (iv) The petitioner/Accused No.1 should afford all assistance for the 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) In case the petitioner/Accused No.1 holds a passport, he shall surrender the same if the same is not seized till now.
- (ix) The petitioner/Accused No.1 should ensure his presence whenever required by the Court or Police.
- (x) The petitioner/Accused No.1 shall not leave India without previous permission of the Court concerned.
- (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.

Dr. JUSTICE CHILLAKUR SUMALATHA

Date:23.12.2022

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