

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

**FRIDAY, THE THIRTIETH DAY OF DECEMBER
TWO THOUSAND AND TWENTY TWO**

**PRESENT
THE HONOURABLE Dr. JUSTICE CHILLAKUR SUMALATHA**

CRIMINAL PETITION NO: 11316 OF 2022

Between:

Ejaz Khan, S/o. Asgar Khan, Aged 35 years, Occ. Driver, R/o. Partur Village and Taluka, Jalna District, Maharashtra State.

...PETITIONER/ACCUSED NO.2

AND

The State of Telangana, Through Police Station Lingala Ghanpur, Rep. by Public Prosecutor, High Court at Hyderabad.

...RESPONDENT/COMPLAINANT

Petition under Section 437 & 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 release the Petitioner/Accused No.2 on bail in connection with the Crime No. 137 of 2022, dt. 21/07/2022 on the file of the S.H.O. Lingalaghanpur Police Station, Jangaon District 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 PALLE SRIHARINATH, Advocate for the Petitioner and of the Additional Public Prosecutor for the State of Telangana on behalf of the Respondent (sole)

The Court made the following: ORDER

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.11316 of 2022

ORDER:

1. Heard Sri P.Sriharinath, learned counsel for the petitioner as well as the learned Additional Public Prosecutor who is representing the Respondent-State.

2. This Criminal Petition, under Section 439 Cr.P.C., is filed seeking the Court to enlarge the petitioner, who is arrayed as Accused No.2 in Crime No.137 of 2022 of Lingala Ghanpur Police Station, Warangal District, on bail.

3. Making his submission, learned counsel for the petitioner contended that the petitioner is in judicial custody since July 2022 and he has not committed any offence whatsoever. Learned counsel also submitted that on completion of investigation, charge sheet is also laid and therefore, the petitioner is entitled for bail.

4. Seriously opposing the submission thus made, learned Additional Public Prosecutor stated that totally, 404 Kgs of Ganja was seized from the possession of the petitioner and other accused. Learned Additional Public Prosecutor also submitted that the petitioner and other

accused were involved in systematically procuring Ganja and transporting the same and they were found transporting Ganja by hiding the same beneath the eatables and thus, the petitioner is not entitled for bail.

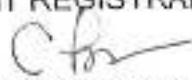
5. The crux of the case as could be perceived through the contents of the charge sheet is that the petitioner is the brother of Accused No.1. Accused No.1 was involved in transportation of dry Ganja since 2018 and previously, Accused No.1 was arrested and was sent to jail for transporting dry Ganja. In the year 2020, Accused No.1 purchased Mahindra Bolero Trolley vehicle for transporting dry Ganja and the body of the vehicle was altered by additional draw to conceal the dry Ganja. Thereafter, the petitioner and other accused started transporting dry Ganja in the said vehicle. When they were transporting dry Ganja, the said vehicle was ultimately intercepted by police and huge quantity of Ganja, i.e. 404 Kgs and 500 grams, was seized from their possession. The allegations, thus levelled, are grave in nature. Though the learned counsel for the petitioner contended that the petitioner is innocent, the contents of charge sheet discloses grave allegations.

Furthermore, having regard to the quantity of contraband found, Section 37 of the Narcotic Drugs and Psychotropic Substances Act comes into play. The petitioner failed to satisfy this Court that he falls outside the ambit of said provision.

6. Thus, having found *prima facie* allegations against the petitioner, this Court is of the view that the petitioner is not entitled for bail.

7. Resultantly, the Criminal petition is dismissed.

//TRUE COPY//

Sd/-G.SIREESHA
ASSISTANT REGISTRAR

SECTION OFFICER

To

1. The Judicial First Class Magistrate, at Jangaon.
2. The Station House Officer, P. S. Lingala Ghanpur, Jangaon.
3. One CC to Sri Pale Sriharinath, Advocate [OPUC]
4. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad (OUT)
5. Two CD Copies

Kj.



HIGH COURT

DATED:30/12/2022



ORDER

CRLP.No.11316 of 2022

THE CRL.P. IS DISMISSED.

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7/2/23
HVK