

THE HONOURABLE DR. JUSTICE D.NAGARJUN

CRIMINAL PETITION No.41 of 2023

O R D E R:

This Criminal Petition is filed by the petitioner/Accused No.4 under Sections 437 and 439 of the Criminal Procedure Code seeking bail in FIR No.183 of 2022 on the file of Hussainialam Police Station, Charminar Division, Hyderabad registered for the offences punishable under Section 8(c) read with Section 20(b) (ii) (C) of the Narcotic Drugs and Psychotropic Substances Act.

2. Heard Sri M.Amarnath, learned counsel for the petitioner/accused No.4 and Sri T.V.Ramana Rao, learned Additional Public Prosecutor for respondent/State and perused the record.

3. As per the prosecution version, on 23.07.2022 at about 08:40 hours on credible information the Additional Inspector of Police, Hussainialam Police Station along with this staff proceeded to Puranpool Darwaza and intercepted one Swift Dzire car bearing No.AP 05 BL 0455 in which

petitioner/Accused No.4 along with other accused were travelling and seized 102 Kgs of ganja. All the accused were remanded to judicial custody by following the procedure contemplated in Narcotic Drugs and Psychotropic Substances Act.

4. It is submitted by the learned counsel for the petitioner/Accused No.4 that the petitioner/Accused No.4 is innocent; he has not committed the offence; there are no criminal antecedents against the petitioner/Accused No.4 and the entire contraband, which was seized from the possession of the accused No.1. It is further submitted that accused No.3 who was remanded to judicial custody along with other accused was enlarged on bail by this Court in CrI.P.No.10339 of 2022 on 19.12.2022.

5. On the other hand, learned Additional Public Prosecutor submitted that since the petitioner/accused No.4 along with other accused were travelling in the same car and are deemed to be in possession of the contraband.

6. Perused the remand report. As seen from the remand report pertaining to the petitioner/accused No.4 along with other accused, wherein it is mentioned at page No.5 in Para No.2 that *“In this case, seized (102 Kgs) Ganga and one Swift Dzire Car bearing No.AP 05 BL 0455 from the possession of accused No.1 Tokala Kumara Swamy.”* Therefore, according to the prosecution also, the entire contraband of 102 Kgs was seized only from the possession of accused No.1 that means it gives credence to the submissions made by the learned counsel for the petitioner/accused No.4 that petitioner/accused No.4 and other accused were not aware that ganja is being transported in the car and that they were in possession.

7. Considering the facts and circumstances explained and since accused No.3 was already enlarged on bail, this Court is of the opinion that this is a fit case to enlarge the petitioner/Accused No.4 on bail.

8. Accordingly, the Criminal Petition is allowed and the petitioner/Accused No.4 is ordered to be enlarged on

bail subject to the following conditions:

i) The petitioner/Accused No.4 is directed to be released on bail on his executing personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of learned Metropolitan Sessions Judge, at Nampally.

ii) On such release, as the petitioner/Accused No.4 is directed to appear before the Hussainialam Police Station, Charminar Division, Hyderabad on every Monday between 10:00 AM to 12:00 PM., until further orders or until charge sheet is filed, whichever is earlier.

iii) The petitioner/Accused No.4 shall abide by the other conditions stipulated in Section 437(3) of the Criminal Procedure Code.

As a sequel, pending Miscellaneous Applications, if any, shall stand closed.

DR. D.NAGARJUN, J

Date: 19-Jan-2023
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