

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.893 of 2023

ORDER:

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

2. This Criminal Petition is filed under Section 439 Cr.P.C. seeking the Court to enlarge the petitioners, who are arrayed as accused Nos.1 to 3 in COR.No.168 of 2022 of Prohibition and Excise Police Station, Sanga Reddy, on bail.

3. The case of the prosecution in nutshell, as could be perceived through the material available on record, is that the petitioners were found in possession of 1.8 kgs of ganja and therefore, the said contraband was seized and the petitioners were arrested.

4. Making his submission, learned counsel for the petitioners contends that the petitioners are in judicial custody since 52 days and the entire investigation is also completed and therefore, they may be enlarged on bail.

5. Learned Additional Public Prosecutor contends that the contraband was seized and two witnesses are examined till now.

6. The case admittedly does not fall within the rigor of Section 37 of the Narcotic Drugs and Psychotropic Substances, Act, 1985. The contraband seized is below the commercial quantity. Therefore, having regard to the length of judicial custody and the nature of the case, 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.1 to 3 shall be enlarged on bail on each of them 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 petitioners/accused Nos.1 to 3 hold passport, they are directed to surrender the same, if they were not seized by now.

(iii) The petitioners/accused Nos.1 to 3 should not involve in any unlawful activity.

(iv) The petitioners/accused Nos.1 to 3 should afford all assistance for proper investigation of the case.

(v) The petitioners/accused Nos.1 to 3 should not cause the evidence of the offence disappear.

(vi) The petitioners/accused Nos.1 to 3 should not tamper with the evidence in any manner.

(vii) The petitioners/accused Nos.1 to 3 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.1 to 3 should ensure their presence whenever required by the Court or Police.

(ix) The petitioners/accused Nos.1 to 3 shall not leave India without previous permission of the court concerned.

(x) The petitioners/accused Nos.1 to 3 shall report before the Station House Officer, Prohibition and Excise Police Station, Sanga Reddy, on every Monday between 10.30 a.m. and 12.00 p.m. till filing of the final report.

(xi) The petitioners/accused Nos.1 Prohibition and Excise Police Station, Sanga Reddy 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

06.02.2023
dr