

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.1156 of 2023

ORDER:

1. Heard Ms.Sowmya Reddy, learned counsel who argued on behalf of Sri Pasham Trivikram Reddy, learned counsel on record representing the petitioner. Also heard 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 in C.O.R.No.83 of 2022 of Prohibition and Excise Police Station, Hayathnagar, on bail.

3. The case of the prosecution is that the petitioner was found in possession of 8 Kgs of Ganja and therefore, he was apprehended and the said Ganja was seized from his possession.

4. Making her submission, learned counsel for the petitioner states that the petitioner is in judicial custody since '147' days and the Ganja seized falls below the commercial quantity as prescribed under the provisions of

the Narcotic Drugs and Psychotropic Substances Act and therefore, he may be enlarged on bail.

5. Learned Additional Public Prosecutor did not deny the fact that the Ganja seized from the possession of the petitioner, even as per the version of the prosecution, is below the commercial quantity. Also, there is no denial that the petitioner is in judicial custody since 147 days. Further, the requirement of keeping the petitioner in judicial custody for a further period is not indicated by the prosecuting agency. Therefore, 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 shall be enlarged on bail on his executing a personal bond for Rs.75,000/- (Rupees Seventy Five 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 shall report before the Station House Officer, Prohibition and Excise Police Station, Hayathnagar, on every Monday between 10.30 A.M and 12.00 P.M till filing of final report.
- (iii) The petitioner/Accused should not involve in any unlawful activity.
- (iv) The petitioner/Accused should afford all assistance for the proper investigation of the case.
- (v) The petitioner/Accused should not cause the evidence of the offence disappear.
- (vi) The petitioner/Accused should not tamper with the evidence in any manner.
- (vii) The petitioner/Accused 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 holds a passport, he shall surrender the same if the same is not seized till now.

- (ix) The petitioner/Accused should ensure his presence whenever required by the Court or Police.
- (x) The petitioner/Accused shall not leave India without previous permission of the Court concerned.
- (xi) The petitioner/Accused 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:14.02.2023

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