

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.1666 of 2023

ORDER:

Heard Sri M.Amarnath, 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.3 in COR.No.96 of 2022 of Excise Police Station, Balanagar, Hyderabad, on bail, the present Criminal Petition is filed under Section 439 Cr.P.C.

3. Making his submission, learned counsel for the petitioner contends that even as per the version of the prosecution, 2.197 kgs of ganja was seized from the possession of accused No.1, which is far below the commercial quantity, and the petitioner was arrested on 02.02.2023 and since then, she is in judicial custody. Learned counsel also states that accused No.1 was arrested and enlarged on bail and as the entire investigation is completed, the petitioner may be enlarged on bail.

4. Learned Additional Public Prosecutor did not deny the fact that the contraband involved in this case is below the

commercial quantity and that the material part of investigation is completed.

5. Having regard to these facts, this Court is of the view that the request of the petitioner can be honoured, however conditionally.

6. Resultantly, this Criminal Petition is allowed with the following conditions:-

(i) The petitioner/accused No.3 shall be enlarged on bail on her executing a personal bond for Rs.30,000/- (Rupees Thirty 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 petitioner/accused No.3 holds a passport, she is directed to surrender the same, if it is not seized by now.

(iii) The petitioner/accused should No.3 not involve in any unlawful activity.

- (iv) The petitioner/accused No.3 should afford all assistance for proper investigation of the case.
- (v) The petitioner/accused No.3 should not cause the evidence of the offence disappear.
- (vi) The petitioner/accused No.3 should not tamper with the evidence in any manner.
- (vii) The petitioner/accused No.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 petitioner/accused No.3 should ensure her presence whenever required by the Court or Police.
- (ix) The petitioner/accused No.3 shall not leave India without previous permission of the court concerned.
- (x) The petitioner/accused No.3 shall report before the Station House Officer, Excise Police Station, Balanagar, Hyderabad, on every Monday between 10.30 a.m. and 12.00 p.m. till filing of the final report.

(xi) The petitioner/accused No.3 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. She 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

24.02.2023
dr