

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.1766 of 2023

ORDER:

Seeking the Court to enlarge the petitioner, who is arrayed as accused in COR.No.5 of 2023 of Prohibition and Excise Station, Sangareddy, Medak District, on bail, the present Criminal Petition is filed under Section 439 Cr.P.C.

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

3. Making his submission, the learned counsel for the petitioner contends that even as per the version of the prosecution, the petitioner was found in possession of 3.77 kgs of ganja which is below the commercial quantity. Learned counsel submits that the petitioner is in judicial custody since 47 days and as the entire investigation is completed, the petitioner may be enlarged on bail.

4. Learned Additional Public Prosecutor though did not dispute the quantity of contraband seized from the possession of the petitioner, as submitted by the learned

counsel for the petitioner, states that the investigation is still pending.

5. Having considered the submissions thus made, 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 shall be enlarged on bail on his 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 petitioner/accused holds a passport, he is directed to surrender the same, if it is not seized by now.

(iii) The petitioner/accused should not involve in any unlawful activity.

(iv) The petitioner/accused should afford all assistance for 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) The petitioner/accused should ensure his presence whenever required by the Court or Police.

(ix) The petitioner/accused shall not leave India without previous permission of the court concerned.

(x) The petitioner/accused shall report before the Station House Officer, Prohibition and Excise Station, Sangareddy, Medak District, on every Monday between 10.30 a.m. and 12.00 p.m. till filing of the final report.

(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

28.02.2023

dr