

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.2217 of 2023

ORDER:

Heard Sri Nouman, learned counsel, who argued on behalf of Sri M.A.Mujeeb, learned counsel on record for the petitioner, as well as the 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 petitioner, who is arrayed as accused No.1 in COR.No.109 of 2022 of Prohibition and Excise Station, Nampally, Hyderabad, on bail.

3. Stating that the petitioner is innocent, the learned counsel for the petitioner contends that the petitioner is in judicial custody since 24.11.2022 and this is the second application moved for grant of bail and as the entire investigation is completed, he may be enlarged on bail.

4. The submission of the learned Additional Public Prosecutor is that as per the F.S.L. report, the contraband that was seized from the possession of the petitioner is Mephedrone. Learned Additional Public Prosecutor states that 10 grams of Mephedrone was seized from the possession

of the petitioner. The commercial quantity, as per the submission made, is 50 grams. Further, as per the submission of learned Additional Public Prosecutor, the material part of investigation is completed. Therefore, this Court considers it desirable to honour the request of the petitioner, however conditionally.

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

(i) The petitioner/accused No.1 shall be enlarged on bail on his executing a personal bond for Rs.75,000/- (Rupees Seventy Five 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.1 holds a passport, he is directed to surrender the same, if it is not seized by now.

(iii) The petitioner/accused No.1 should not involve in any unlawful activity.

(iv) The petitioner/accused No.1 should afford all assistance for proper investigation of the case.

(v) The petitioner/accused No.1 should not cause the evidence of the offence disappear.

(vi) The petitioner/accused No.1 should not tamper with the evidence in any manner.

(vii) The petitioner/accused No.1 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.1 should ensure his presence whenever required by the Court or Police.

(ix) The petitioner/accused No.1 shall not leave India without previous permission of the court concerned.

(x) The petitioner/accused No.1 shall report before the Station House Officer, Prohibition and Excise Station, Nampally, 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.1 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

20.3.2023
dr