

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.2572 of 2023

ORDER:

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

2. Seeking the Court to enlarge the petitioners, who are arrayed as accused Nos.5 and 6 in COR.No.17 of 2023 of Prohibition and Excise Station, Patancheru, Sanga Reddy District, on bail, the present Criminal Petition is filed under Section 439 Cr.P.C.

3. Contending that the petitioners are innocent and they did not commit any offence whatsoever, learned counsel for the petitioners submits that the petitioners were arrested by the Excise officials on 04.02.2023 and since then, they are in judicial custody. Learned counsel also submits that there is no involvement of the petitioners whatsoever in the alleged procuring and transportation of the contraband i.e., Alprazolam by the prime accused and only on suspicion, the petitioners were arrested and remanded to judicial custody.

4. The submission of the learned Additional Public Prosecutor is that the Excise officials are still investigating the case and it appears that the petitioners indirectly supported the prime accused in securing huge quantity of Alprazolam and transporting the same.

5. A perusal of the contents of the panchanamas, which are three in number, reveals the presence of suspicion of support of the petitioners in transportation of the contraband as they are working as Chemists. There are no direct allegations against the petitioners. Further, there is no independent material that is produced by the prosecuting agency regarding the involvement of the petitioners in the alleged offences mentioned in the F.I.R. except the alleged confessional statement of the prime accused. Thus, considering these facts, this Court is of the view that the request of the petitioners can be honoured, however conditionally.

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

- (i) The petitioners/accused Nos.5 and 6 shall be enlarged on bail on each of them executing a

personal bond for Rs.1,00,000/- (Rupees One lakh 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.5 and 6 hold passport(s), they are directed to surrender the same, if they were not seized by now.

(iii) The petitioners/accused Nos.5 and 6 should not involve in any unlawful activity.

(iv) The petitioners/accused Nos.5 and 6 should afford all assistance for proper investigation of the case.

(v) The petitioners/accused Nos.5 and 6 should not cause the evidence of the offence disappear.

(vi) The petitioners/accused Nos.5 and 6 should not tamper with the evidence in any manner.

(vii) The petitioners/accused Nos.5 and 6 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.5 and 6 should ensure their presence whenever required by the Court or Police.

(ix) The petitioners/accused Nos.5 and 6 shall not leave India without previous permission of the court concerned.

(x) The petitioners/accused Nos.5 and 6 shall report before the Station House Officer, Prohibition and Excise Station, Patancheru, Sanga Reddy District, on every Sunday and Thursday between 10.30 a.m. and 12.00 p.m. till filing of the final report.

(xi) The petitioners/accused Nos.5 and 6 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.

Dr. JUSTICE CHILLAKUR SUMALATHA

24.3.2023

dr