

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.2846 of 2023

ORDER:

Heard Sri P.Shashi Kiran, 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.2 in COR.No.79 of 2022 of Prohibition and Excise Station, Ameerpet, 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 the petitioner was arrested on 30.11.2022 and was remanded to judicial custody and since then, he is in judicial custody. Learned counsel submits that this Court through orders in Criminal Petition No.2501 of 2023, dated 20.3.2023, enlarged accused No.3 on bail due to non-compliance of Section 50 the Narcotic Drugs and Psychotropic Substances Act, 1985, and the petitioner stands on the same footing. Learned counsel also states that even otherwise, the petitioner cannot be charged for any offence

falling within the ambit of the Narcotic Drugs and Psychotropic Substances Act, 1985, as the report of the Forensic Science Laboratory clearly reveals that the samples sent for analysis were not found containing any narcotic drugs and psychotropic substances. Learned counsel produced a copy of the report issued by the Telangana State Forensic Science Laboratories, Hyderabad, which reads as under:-

“The items 1 to 6 are analysed and NDPS drugs are not detected in any of them. However, the items 1 to 4 are found to contain “Citalopram”, an Antidepressant. Palladium is detected in item No.6. Palladium and Chloride are not detected in item No.5.”

4. Learned Additional Public Prosecutor seeks the Court to pass appropriate orders.

5. Having regard to the contents of the report of the Telangana State Forensic Science Laboratories, Hyderabad, this Court is of the view that the request of the petitioner can be considered.

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

(i) The petitioner/accused No.2 shall be enlarged on bail on his executing a personal bond for Rs.30,000/- (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 No.2 holds a passport, he is directed to surrender the same, if it is not seized by now.

(iii) The petitioner/accused No.2 should not involve in any unlawful activity.

(iv) The petitioner/accused No.2 should afford all assistance for proper investigation of the case.

(v) The petitioner/accused No.2 should not cause the evidence of the offence disappear.

(vi) The petitioner/accused No.2 should not tamper with the evidence in any manner.

(vii) The petitioner/accused No.2 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.2 should ensure his presence whenever required by the Court or Police.

(ix) The petitioner/accused No.2 shall not leave India without previous permission of the court concerned.

(x) The petitioner/accused No.2 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

31.3.2023

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