

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.3192 of 2023

AND

CRIMINAL PETITION No.3201 of 2023

COMMON ORDER:

1. Seeking the Court to enlarge Accused No.1 in COR No.79 of 2022 of Prohibition and Excise Station, Ameerpet, on bail, Criminal Petition No.3192 of 2023 is filed. In respect of Accused No.4 in the same crime, Criminal Petition No.3201 of 2023 is filed. Both the Criminal Petitions are filed under Section 439 Cr.P.C.

2. Heard Sri Papaiah Peddakula, learned counsel who argued on behalf of Smt.G.Poornasri, learned counsel on record for the petitioner in Criminal Petition No.3192 of 2023 and Sri T.Sricharan, learned counsel on record for the petitioner in Criminal Petition No.3201 of 2023.

3. Making his submission, learned counsel for the petitioners states that the allegation that is levelled against the petitioners is that they committed offence punishable under Section 8(c) read with 22(c) of the Narcotic Drugs and Psychotropic substances Act and indeed, as per the report given by the Forensic Science Laboratory, no

Narcotic Drug was found in the alleged seized material. Learned counsel forwarded the copy of the report that is given by the Telangana State Forensic Science Laboratory, Hyderabad, wherein on subjecting the samples to analysis, the following findings were given:-

“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 counsel states that basing on the said report, this Court enlarged Accused No.2 on bail through orders in Criminal Petition No.2846 of 2023, dated 31.03.2023 and therefore, the petitioners may be enlarged on bail.

5. Learned Additional Public Prosecutor did not deny the genuineness in the contents of the copy of the report of the Forensic Science Laboratory that is forwarded by the learned counsel for the petitioner.

6. When no contraband attracting the provisions of Narcotic Drugs and Psychotropic substances Act was found in the seized material, this Court is of the view that keeping the petitioners in judicial custody is undesirable.

7. Therefore, this Court considers desirable to enlarge the petitioners on bail as prayed for.

8. Resultantly, both the Criminal Petitions are allowed with the following conditions:-

(i) The petitioners/Accused Nos.1 & 4 shall be enlarged on bail on their executing a personal bond for Rs.30,000/- (Rupees Thirty Thousand only) each with two sureties for 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) The petitioners/Accused Nos.1 & 4 should not involve in any unlawful activity.

- (iii) The petitioners/Accused Nos.1 & 4 should afford all assistance for the proper investigation of the case.
- (iv) The petitioners/Accused Nos.1 & 4 should not cause the evidence of the offence disappear.
- (v) The petitioners/Accused Nos.1 & 4 should not tamper with the evidence in any manner.
- (vi) The petitioners/Accused Nos.1 & 4 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.
- (vii) In case the petitioners/Accused Nos.1 & 4 hold a passport, they shall surrender the same if the same is not seized till now.
- (viii) The petitioners/Accused Nos.1 & 4 should ensure their presence whenever required by the Court or Police.
- (ix) The petitioners/Accused Nos.1 & 4 shall not leave India without previous permission of the Court concerned.

(x)The petitioners/Accused Nos.1 & 4 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 petitioners shall intimate the Court concerned by giving 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

Date:17.04.2023

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