

THE HONOURABLE DR.JUSTICE G. RADHA RANI**CRIMINAL PETITION NO.3238 OF 2023****ORDER:**

This petition is filed by the petitioner / A2 under Section 438 of Cr.P.C. to enlarge the petitioner on bail in the event of his arrest by the respondent - PS Rajiv Gandhi International Airport (for short "RGI" Airport) in FIR No.70 of 2023 registered for the offences under Section 20(b)(ii)(B) of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short "NDPS" Act).

2. The case of the prosecution in brief was that on 09.02.2023 at 04:30 PM, while the SI of Police, RGI Airport was conducting drunk and drive duty along with staff of RGI Airport Traffic PS at Kothwalguda Gram Panchayat service road at ORR Exit No.17, they found two (02) persons coming on a bike from Himayatsagar. On seeing the cops, the rider drove the bike rashly without stopping and hit to a stopper. The pillion rider fell down with a bag and the rider escaped. On enquiry with the pillion rider, he revealed his name as Boyapati Kishore and stated that he was in possession of 4 kgs of ganja in the bag and gave the details of the rider of the bike. The Police conducted the panchanama in the presence of the witnesses and seized the contraband and lodged a report in the PS.

3. Basing the said report, a case in Crime No.70 of 2022 under Section 20(b)(ii)(B) of NDPS Act was registered.

4. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor.

5. The learned counsel for the petitioner submitted that the petitioner was pursuing his MBA in Sri Venkateshwara University, Tirupathi. If he was arrested, his whole career would be ruined. The petitioner belonged to a respectable family. His father was a CISF officer serving the nation. The petitioner was falsely implicated in the case only basing on the confession of A1 who framed by him due to personal grudges and prayed to enlarge the petitioner on bail and further submitted that A1 was also enlarged on bail.

6. The learned Additional Public Prosecutor opposed grant of anticipatory bail to the petitioner.

7. Perused the record.

8. Considering the quantity of the contraband, which was intermediary quantity of 4 kgs and as the petitioner was a student and his future would be affected if he was taken into custody, it is considered fit to enlarge the petitioner on bail in the event of his arrest.

9. In the result, the Criminal Petition is allowed and the petitioner is granted anticipatory bail subject to the following terms and conditions:

(i) The petitioner is directed to surrender before the Station House Officer (for short “SHO”) of PS RGI Airport, Shamshabad within a period of fifteen (15) days from the date of this order, and on such surrender the SHO, PS RGI Airport shall release the petitioner on bail on his executing a personal bond for a sum of Rs.25,000/- with two sureties each for the like sum to the satisfaction of the said SHO.

(ii) The petitioner shall appear before the investigating officer as and when required for investigation.

(iii) The petitioner shall comply all the conditions laid down under Section 438 (2) of Cr.P.C.

As a sequel, miscellaneous applications pending in this petition, if any, shall stand closed.

Dr. G.RADHA RANI, J

10th April, 2023
nsk.