

HON'BLE SMT. JUSTICE G.ANUPAMA CHAKRAVARTHY

CRIMINAL PETITION No.3911 of 2023

ORDER:

This criminal petition is filed to release the petitioner/accused No.2 on bail in SC.NDPS.No.219 of 2022 in Crime No.430 of 2022 of Meerpet Police Station pending on the file of Metropolitan Sessions Judge at L.B.Nagar.

2. The petitioner herein is arrayed as accused No.2 and the offences alleged against him are under Section 20(b)(ii)(c) r/w 8(c) of Narcotic Drugs and Psychotropic Substances Act, 1985.

3. Heard learned counsel for the petitioner and learned Assistant Public Prosecutor for respondent/State.

4. The petitioner was remanded to the judicial custody on 18.04.2022. He has also moved a bail application before the Metropolitan Sessions Judge, Cyberabad, Ranga Reddy District at L.B.Nagar vide CrI.M.P.No.80 of 2023 in S.C.No.219 of 2022, which was dismissed by the said Court on 19.01.2023.

5. The brief facts of the case are that on 18.04.2022 at about 00:30 hours, one Govindu Swamy, who is the Sub-inspector of Police, Meerpet Police Station along with his staff went to Jillelaguda X Roads, Balapur Mandal, Ranga Reddy District, and conducted vehicle checking. At about 01:00 hours, they found one Maruthi Suzuki S-cross, bearing registration No.TS 07 HD 3885 and found six members in the car. When he checked the vehicle by opening the dickey, he found 62 packets containing some brown colour plaster wrapped packets. When questioned, the accused confessed that the bags are contain Ganja and they are being transported from Bhadrachalam to Karnataka for sale. Therefore, the same was seized in the presence of mediators.

6. It is the contention of the learned counsel for the petitioner that the petitioner was innocent and he did not commit any crime and the petitioner is the sole bread winner of the family and Police have falsely implicated him in the said crime.

7. Further contends that as seen from the confessional statement, nothing was seized from the petitioner/accused No.2. Even the charge sheet does not disclose that link was drawn to an

account bearing No.38983811088 of State Bank of India, which was allegedly used by the petitioner/accused No.2. But on enquiry with the Bank Manager, it was found that the said account belongs to one Ravinder Reddy, who has not been arrayed as accused in the aforesaid crime and there is no link between the petitioner/accused and the said person. Therefore, learned counsel prays to enlarge the petitioner on bail.

8. On the other hand, learned Assistant Public Prosecutor submitted that accused Nos.6 and 7 were enlarged on bail and the bail application of accused No.4 was dismissed.

9. On perusal of the charge sheet, it is evident that accused No.3 was not available for examination and therefore the case against accused No.3 was separated.

10. It is stated in the charge sheet that an amount of Rs.94,000/- was found in the account and it was used for purchasing Ganja, but the said account belongs to Sri Bhukya Ravindar Kumar, who is a friend of accused No.2. Admittedly, it is a matter of fact to be decided at the time of trial.

11. Record reveals that initially CrI.P.Nos.7504 and 7481 of 2022 were filed before this Court by the petitioner/accused Nos.2 and 6 for the said offence and both the criminal petitions were disposed of by the common order, dated 18.10.2022, wherein, this Court directed accused Nos.2 and 6 to approach the Sessions Court under the changed circumstances on completion of investigation, by filing an application seeking bail and upon such filing, the learned Sessions Judge was directed to dispose of the application within two working days from the date of filing of the application, after giving an opportunity to the learned Public Prosecutor.

12. It is the contention of the learned counsel for the petitioner that the applications filed by accused Nos.2 and 6 were disposed of by the trial Court without considering the facts on merits.

13. On perusal of the entire charge sheet, it is evident that entire case rests upon the confession statements of accused Nos.1, 2, 4 and 7 and the seizure panchanama.

14. This Court is of the considered view that as the investigation is completed and charge sheet is filed, the question of presence of the accused in judicial remand will be of no avail. Therefore, the petitioner/accused No.2 shall be enlarged on bail on his executing personal a bond for a sum of Rs.25,000/- with two sureties to the like sum each to the satisfaction of the Metropolitan Sessions Judge at L.B.Nagar. The petitioner shall not tamper any evidence or influence the witnesses in this case. Further, the petitioner shall appear before the investigating officer, if necessary, and he shall not leave the jurisdiction of Bhadradri-Kothagudem District without prior permission of the Metropolitan Sessions Judge Court, at L.B.Nagar.

15. In the result, the criminal petition is allowed.

Pending miscellaneous applications, if any, shall stand closed.

G.ANUPAMA CHAKRAVARTHY, J

Date: 11.05.2023
Lk