

HON'BLE Dr.JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.4048 of 2023

ORDER:

1. Heard Sri K.Narsimha Reddy, learned counsel who argued on behalf of Sri I.V.Radha Krishna Murthy, learned counsel on record for the petitioner as well as the learned Additional Public Prosecutor who is representing the Respondent-State.
2. Seeking pre-arrest bail, the present Criminal Petition is filed under Section 438 Cr.P.C. on behalf of the petitioner, who is arrayed as Accused No.10 in Crime No.408 of 2022 of Chikkadpally Police Station, Hyderabad.
3. The matrix of the case as could be perceived through the complaint is that the Inspector of Police, Chikkadpally Police Station, received credible information that some persons are moving under suspicious circumstances near Bus Bhavan Industrial area, Azamabad. On that, he, along with his staff and Panchayatdars, proceeded to the said spot and found Accused Nos.1 to 4 present along with a TATA YODHA vehicle. Police also found the said vehicle containing '400' litres of Petroleum Ether and '60' bottles, each containing 5

grams, of Hash Oil. On enquiry, they revealed their identity particulars. Further, Accused No.1 confessed that he is selling Hash oil to the petitioner herein and others.

4. Contending that the petitioner has not committed any offence and that no contraband was seized from the possession of the petitioner, learned counsel for the petitioner submits that the petitioner may be protected from arbitrary arrest.

5. Learned Additional Public Prosecutor states that 300 grams of Hash Oil was seized from the possession of Accused Nos.1 to 4 and the commercial quantity is 1 Kg as per the provisions of the Narcotic Drugs and Psychotropic Substances Act. Learned Additional Public Prosecutor also states that eleven (11) witnesses were examined till now. Learned Additional Public prosecutor did not produce any other incriminating material against the petitioner, except the alleged confessional statement of Accused No.1. Also, it is not the case of the prosecution that any contraband was found in possession of the petitioner.

6. Having considered all these aspects, more particularly absence of any definite incriminating material against the petitioner and that the material part of investigation is completed, this Court is of the view that the request of the petitioner can be honoured, however, conditionally.

7. In the result, the Criminal Petition is allowed with the following conditions:

- (i) The petitioner/Accused No.10 is directed to surrender before the concerned Court within ten (10) days. On such surrender, he shall be enlarged on bail on his executing a personal bond for Rs.50,000/- (Rupees Fifty Thousand only) 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 petitioner/Accused No.10 shall report before the Station House Officer, Chikkadpally Police Station, Hyderabad, on every Monday between 10.30 A.M. and 12:00 P.M. till filing of final report.

- (iii) The petitioner/Accused No.10 should not involve in any unlawful activity.
- (iv) The petitioner/Accused No.10 should afford all assistance for proper investigation of the case.
- (v) The petitioner/Accused No.10 should not cause the evidence of the offence disappear.
- (vi) The petitioner/Accused No.10 should not tamper with the evidence in any manner.
- (vii) The petitioner/Accused No.10 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) In case the petitioner/Accused No.10 holds a passport, he shall surrender the same.
- (ix) The petitioner/Accused No.10 should ensure his presence whenever required by the Court or Police.
- (x) The petitioner/Accused No.10 shall not leave India without previous permission of the Court concerned.
- (xi) The petitioners/Accused No.10 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 of the aforementioned details, the petitioner shall intimate the Court concerned by giving 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 pre-arrest bail granted.

Dr. JUSTICE CHILLAKUR SUMALATHA

Date:28.04.2023
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