

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.4099 of 2023

ORDER:

1. Heard Sri M.Adam, learned counsel for the petitioner as well as the learned Additional Public Prosecutor who is representing the Respondent-State.

2. Seeking post-arrest bail, the present Criminal Petition is filed under Section 439 Cr.P.C. on behalf of the petitioner, who is arrayed as Accused No.1 in Crime No.141 of 2023 of Sangareddy Rural Police Station, Sangareddy District.

3. Contending that the petitioner is innocent, learned counsel for the petitioner states that even as per the version of the prosecution, the alleged contraband was given to the petitioner for keeping the same in his possession and the petitioner was not doing business of any kind with the said contraband. Learned counsel also states that the quantity of contraband seized i.e., 11.56 grams of MBMA Drug which falls below the commercial quantity and the petitioner is in judicial custody since 19.03.2023 and as the investigation is also completed, he may be enlarged on bail.

4. Learned Additional Public Prosecutor states that the quantity of contraband seized is intermediary quantity and nine (9) witnesses were examined till now.

5. Having considered the submissions thus made, more particularly that Section 37 of the Narcotic Drugs and Psychotropic Substances Act does not attract to the case facts, as submitted by both parties, this Court is of the view that the request of the petitioner can be honoured, however, conditionally.

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

- (i) The petitioner/Accused No.1 shall be enlarged on bail on his executing a personal bond for Rs.40,000/- (Rupees Forty 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.1 shall report before the Station House Officer, Sangareddy Rural Police Station on every Monday between 10.30 AM and 12.00 PM till filing of final report.
- (iii) The petitioner/Accused No.1 should not involve in any unlawful activity.
- (iv) The petitioner/Accused No.1 should afford all assistance for the proper investigation of the case.
- (v) The petitioner/Accused No.1 should not cause the evidence of the offence disappear.
- (vi) The petitioner/Accused No.1 should not tamper with the evidence in any manner.
- (vii) The petitioner/Accused No.1 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.1 holds a passport, he shall surrender the same if the same is not seized till now.

- (ix) The petitioner/Accused No.1 should ensure his presence whenever required by the Court or Police.
- (x) The petitioner/Accused No.1 shall not leave India without previous permission of the court concerned.
- (xi)The petitioner/Accused No.1 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

Date:27.04.2023

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