

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.4108 of 2023

ORDER:

1. Heard Sri Mohammed Zaki, 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.3 in NDSC.No.159 of 2022, which is pending before the Court of Metropolitan Sessions Judge, Cyberabad, Ranga Reddy District at L.B.Nagar.

3. Contending that the Accused Nos.1 & 2 were enlarged on bail and applying the same analogy, the petitioner may be enlarged on bail, learned counsel for the petitioner brought to the notice of this Court the orders rendered by this Court in Criminal Petition No.2736 of 2023, dated 27.03.2023 and Criminal Petition No.3546 of 2023, dated 18.04.2023. A perusal of those orders goes to show that making a discussion with regard to the meaning assigned to 'Cannabis' in the Narcotic Drugs and Psychotropic Substances Act and the clear discrepancy

with regard to the material seized by Police with regard to the presence of flowering tops and fruiting tops, this Court enlarged Accused Nos.1 & 2 on bail.

4. Learned Additional Public Prosecutor states that having regard to the findings given in those petitions, necessary orders may be passed.

5. Thus, considering the submissions made and in consonance with the orders that are referred supra, the Criminal Petition is allowed with the following conditions:-

- (i) The petitioner/Accused No.3 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.3 should not involve in any unlawful activity.

- (iii) The petitioner/Accused No.3 should not cause the evidence of the offence disappear.
- (iv) The petitioner/Accused No.3 should not tamper with the evidence in any manner.
- (v) The petitioner/Accused No.3 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.
- (vi) In case the petitioner/Accused No.3 holds a passport, he shall surrender the same if the same is not seized till now.
- (vii) The petitioner/Accused No.3 should ensure his presence whenever required by the Court or Police.
- (viii) The petitioner/Accused No.3 shall not leave India without previous permission of the court concerned.
- (ix)The petitioner/Accused No.3 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.

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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