

THE HONOURABLE SRI JUSTICE SAMBASIVA RAO NAIDU

CRIMINAL PETITION No.4557 of 2023

ORDER:

This Criminal Petition is filed by the petitioner/accused No.1 under Sections 437 and 439 of the Code of Criminal Procedure, 1973 seeking to enlarge him on bail in S.C (NDPS) No.238 of 2022 on the file of the Metropolitan Sessions Judge, Cyberabad, Ranga Reddy District at L.B.Nagar, arising out of Crime No.551 of 2022 of Hayathnagar Police Station, Rachakonda Commissionerate, which was registered for the offences punishable under Section 8 (c) read with 20 (b) (ii) (c) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

The case of the prosecution is that on 22.05.2022 while the petitioner along with others were transporting 480 kgs., of ganja packed in 47 bundles in Breeza Car bearing No.TS-08-HT-0639, Verna Car bearing No.KA-38-M-8508, Tata Bolt bearing No.TS-08-UD-1588 and Hyundai i-20 bearing No.TS-08-F-4244 from Donkarai, East Godavari to Hyderabad and from Hyderabad to Bidar, the Police have intercepted the said vehicles. Having found the contraband in the said cars, the police arrested the petitioner and other accused and after complying with all the requirements, they have seized the

contraband, four cars, 11 mobile phones along with cash of Rs.2,00,000/-.

Heard the learned counsel appearing for the petitioner/A-1, learned Public Prosecutor appearing for the respondent-State and perused the grounds of bail application.

Learned counsel appearing for the petitioner stated that the other accused including the prime accused No.2 were already enlarged on bail. As per the remand case diary it seems that the alleged offence took place on 22.05.2022 and the petitioner is in judicial custody for the past one year and the entire investigation has been completed, police filed charge sheet and the same was taken cognizance as S.C.No.238 of 2022.

Learned Public Prosecutor opposed the bail on the ground that the petitioner herein along with other accused were arrested while they were in possession of huge quantity of ganja i.e., 480 kgs., which was procured from Donkarai Agency Area, East Godavari District with a view to transport the same from Hyderabad to Mumbai. However, the learned Public Prosecutor has not disputed about the release of the other accused by this Court under various criminal petitions.

Considering all the circumstances and since the other accused were enlarged on bail, the petitioner can be released on bail on certain terms and conditions.

In the result, the Criminal petition is allowed and the petitioner/accused No.1 shall be released on bail on the following terms and conditions.

- i) The petitioner shall execute a personal bond for Rs.50,000/- (Rupees fifty thousand only) with two sureties for the like sum each to the satisfaction of the Court concerned.
- ii) The petitioner shall not involve in any other unlawful activities.
- iii) The petitioner shall not misuse the liberty granted to him.
- iv) The petitioner shall personally appear before the Court concerned on each date of hearing.
- v) The petitioner shall not leave the head quarters without prior permission of the Court concerned.
- vi) The petitioner shall file an affidavit before the Court concerned disclosing his contact number, mail address and residential particulars.

JUSTICE SAMBASIVA RAO NAIDU

18.05.2023
gkv/TMK