

THE HONOURABLE SMT JUSTICE G.ANUPAMA CHAKRAVARTHY

CRIMINAL PETITION No.4642 of 2023

ORDER:

This Criminal Petition is filed by the petitioner/Accused No.5 under Sections 437 and 439 of the Criminal Procedure Code seeking regular bail in Crime No.430 of 2022 on the file of Meerpet Police Station, Vanasthalipuram Division, registered for the offences punishable under Sections 20(b)(ii)(c) read with Section 8(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the Act').

02. Heard learned counsel for the petitioner/accused No.5 as well as learned Additional Public Prosecutor for respondent/State. Perused the record.

03. The case of the prosecution, in brief, was that on 18.04.2022 at about 00:30 hours, while the Sub-Inspector of Police, Meerpet Police Station was conducting vehicle checking along with his staff, he stopped a Maruthi Suzuki S-Cross vehicle bearing No.TS 07 HD 3885 and found six members in the said car. On checking the vehicle, he found 62 packets wrapped with brown colour plaster in the dickey of the said car. On enquiry with the inmates of the car, they admitted that the bags were containing Ganja. Immediately, the Sub-Inspector of Police informed the

Tahsildar of Balapur Mandal to depute two mediators and the two mediators reached Jillelaguda X roads at 1:20 hours. On questioning, accused Nos.1 to 6 admitted that they were transporting Ganja from Bhadrachalam to Karnataka State for sale. The Inspector of Police, Vanasthalipuram Police Station, who was a gazetted officer, was asked to visit the place. The Sub-Inspector of Police also secured a weighing machine and a tool kit. On opening the packets in the presence of Gazetted officer and mediators, it was found that the said packets were containing cannabis plants with flowering and fruiting tops in dark green colour in a semi-wet condition, and on weighing those 62 packets of Ganja, it was 190 Kgs. The said contraband was seized under the cover of Panchanama in the presence of the witnesses. The Sub-Inspector of Police also seized the said Maruthi Suzuki S-Cross car bearing No.TS 07 HD 3885 and mobile phones of the accused and brought them to the Police Station along with the seized material. Basing on the panchanama, the Inspector of Police of Meerpet Police Station, Rachakonda, registered the above case.

04. Learned counsel for the petitioner submits that the entire investigation in this case is completed and charge sheet has also been filed in the year 2022 and the Sessions Court has numbered the case as S.C.No.219 of 2022 on the file of learned

Sessions Judge, L.B.Nagar and therefore, prayed to enlarge the petitioner on bail.

05. Learned Additional Public Prosecutor opposed for grant of bail to the petitioner.

06. As can be seen from the record, it appears that the petitioner was remanded to judicial custody on 18.04.2022 *i.e.*, more than one year back and the entire investigation is completed, and therefore, there is no question of either tampering any evidence or influencing any witnesses. In these circumstances, this Court is of the considered view that this is a fit case to enlarge the petitioner/accused No.5 on bail.

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

- (i) The petitioner/accused No.5 shall be enlarged on bail on his executing a personal bond for an amount of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties for a like-sum each to the satisfaction of the XXVIII Metropolitan Magistrate, Rachakonda at Ranga Reddy District at Hastinapuram.

(ii) The petitioner/accused No.5 shall not leave Nalgonda District without previous permission of the Court concerned.

(iii) The petitioner/accused No.5 shall co-operate with the police concerned in order to complete the investigation as early as possible.

(iv) Further, the petitioner/accused No.5 shall not be involved in any other similar offence, if at all any such offence has been committed, prosecution is at liberty to take appropriate steps for cancellation of the bail granted.

As a sequel, pending Miscellaneous Applications, if any, shall stand closed.

G.ANUPAMA CHAKRAVARTHY, J

Date: 11-May-2023
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