

THE HONOURABLE SRI JUSTICE SAMBASIVA RAO NAIDU

CRIMINAL PETITION No.4686 OF 2023

ORDER:

This Criminal Petition is filed under Sections 437 and 439 of Code of Criminal Procedure, 1973 seeking to enlarge the petitioner/accused No.4 on bail in connection with Crime No.130 of 2023 of Kukatpally Police Station, Cyberabad Commissionerate, registered for the offence punishable under Section 22(c) of Narcotic Drugs and Psychotropic Substances Act, 1985.

2. Heard learned counsel for the petitioner/accused No.4 and learned Additional Public Prosecutor representing the respondent/State.

3. The matrix of the case, as could be perceived through the contents of Part-I Case Diary, is that accused Nos.1 and 2 are addicted to MDMA drug. They used to procure the said drug from unknown persons. Accused Nos.1, 2, 3 and 5 decided to have fun at Hyderabad by taking the said drug. On that, they along with petitioner-accused No.4 reached Hyderabad and procured the said drug. While they were

present in front of Baby Pond near IDL lake, Kukatpally, they were apprehended by Police and 8 packets of MDMA Drug weighing about 8 grams (each packet 01 gram) was seized from the possession of the petitioner.

4. Learned counsel for the petitioner-accused No.4 submitted that even as per the Remand Case Diary part II, the allegation against the petitioner was that he was arrested while he was in possession of 8 packets of MDMA Drug weighing about 8 grams (each packet 01 gram), which is not a commercial quantity. He further submitted that the other accused viz., accused No.5 was already released on bail vide order dated 25.04.2023 of this Court in CrI.P.No.3805 of 2023.

5. Learned Additional Public Prosecutor appearing for the respondent opposed the bail on the ground that the investigation is still in progress.

6. Taking into consideration the allegation against the petitioner-accused No.4 in the Remand Report and as the quantity of the contraband said to have been seized from the

petitioner is less than commercial quantity, the petitioner can be enlarged on bail on certain conditions.

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

- (i) The petitioner/accused No.4 shall be enlarged on bail on his executing 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. 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) In case, the petitioner/accused No.4 holds a passport, he is directed to surrender the same, if it is not seized by now.
- (iii) The petitioner/accused No.4 should not involve in any unlawful activity.
- (iv) The petitioner/accused No.4 should afford all assistance for proper investigation of the case.

- (v) The petitioner/accused No.4 should not cause the evidence of the offence disappear.
- (vi) The petitioner/accused No.4 should not tamper with the evidence in any manner.
- (vii) The petitioner/accused No.4 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) The petitioner/accused No.4 should ensure his presence whenever required by the Court or Police.
- (ix) The petitioner/accused No.4 shall not leave India without previous permission of the Court concerned.
- (x) The petitioner/accused No.4 shall report before the Station House Officer, Kukatpally Police Station, Cyberabad, on every Monday between 10.30 a.m. and 12.00 p.m. till filing of the final report.
- (xi) The petitioner/accused No.4 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/accused No.4 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.

JUSTICE SAMBASIVA RAO NAIDU

18th May, 2023.
DUA/SVL

THE HONOURABLE SRI JUSTICE A.SANTHOSH REDDY

CRIMINAL PETITION No.4686 OF 2023

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