

THE HONOURABLE SRI JUSTICE M. LAXMAN

CRIMINAL PETITION No. 4720 OF 2023

ORDER:

1. This petition is filed seeking to grant regular bail under Sections 437 and 439 of Criminal Procedure Code, 1973 (Cr.P.C). The petitioner is accused No.4 in Crime No.311 of 2023 of LB Nagar Police Station, Rachakonda. The offence alleged against the petitioner is under Sections 8(c), read with 20 (b)(ii)(B) and 22 (c) of Narcotic Drugs and Psychotropic Substances Act, 1985.

2. The sum and substance of case of the prosecution is that on 25.02.2023 at about 04.30 hours, accused Nos.1 and 5 came to LB Nagar X Road and waiting for remaining accused i.e., accused Nos.2 to 4, who are friends of accused No.5. Accused Nos.2 to 4 came in Mahindra Verito car bearing No.AP 28 TV 2974 belonging to accused No.3 and all of them sat in the car beside KFC Lane, LB Nagar and accused No.5 allegedly sold various extents of contraband seized from accused Nos.2 to 4, who are consumers. The present petitioner is accused No.4. The investigating agency seized 5 packets of MDMA, each containing weight of 01 gram.

3. Learned Public Prosecutor opposed the bail application.
4. As seen from the remand application, the petitioner has been in jail for more than 100 days. It appears from the investigation, the petitioner is only a consumer and he is not a peddler.
5. Considering the above background of the fact, this Court is inclined to grant bail to the petitioner/accused No.4 on certain terms and conditions.
6. Accordingly, the Criminal Petition is allowed and the petitioner/accused No.4 shall be released on bail on the following terms and conditions:
 - (i) The petitioner/accused No.4 shall be released on bail on his executing a personal bond for Rs.25,000/- (Rupees twenty five thousand only) with two sureties for a like sum each to the satisfaction of the II Additional Metropolitan Magistrate, Cyberabad at Hayatnagar.
 - (ii) The petitioner/accused No.4 shall appear before the S.H.O., LB Nagar Police Station on every Saturday between 10 a.m., and 5 p.m till completion of investigation and filing of final report.

- (iii) The petitioner/accused No.4 shall not directly or indirectly influence or make any witnesses or complainant.
- (iv) The petitioner/accused No.4 shall not indulge in similar type of offences till conclusion of trial and if it is found that the petitioner is involved in similar type of offences in future, the bail granted to him shall automatically stands cancelled and he shall be taken into custody forthwith.
- (v) The petitioner/accused No.4 shall make available with the investigating agency for proper investigation and he shall fully cooperate with the investigation agency. He shall not at in any manner which will be prejudicial to fair and expeditious investigation.

JUSTICE M. LAXMAN

05.06.2023
pld/eds

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