

THE HON'BLE SRI JUSTICE M.LAXMAN

CRIMINAL PETITION No.5185 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.10 in Crime No.105 of 2023 of Bahadurpura Police Station, Hyderabad District. The offence alleged against the petitioner is under Section 8(c) read with Sections 20(b)(ii)(c) and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short "NDPS Act").

2. The sum and substance of the case of the prosecution is that accused No.1 is the transporter of the Ganja at the instance of accused No.8 and accused Nos.2 to 5 are the cultivators. As per directions of accused No.8, accused Nos.2 to 5 agreed to transport Ganja from Vishakapatnam to Hyderabad to supply it to accused No.6, 7, 9 to 11. When the vehicle reached Zoo Park, Bahadurpura on 10.04.2023 at about 12.00 hours, accused Nos.6 and 7 sold 20 kgs of ganja each and balance 40 kgs of ganja was with the transporter, which according to the petitioner, intended to sell to accused Nos.9 to 11. Before accused Nos.9 to 11 reached the spot to purchase, a raid was conducted by the police, Bahadurpura

Police Station, and the ganja weighting 80 kgs was seized. Hence, the complaint.

3. Learned counsel for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution much less the offence to which he was charged and he has been falsely implicated in this case. Further, he submitted that some of the accused were released on bail and anticipatory bail. Hence, he prayed to grant bail to the petitioner.

4. Learned Additional Public Prosecutor appearing for the respondent - State opposed to grant bail.

5. Heard the learned counsel on either side and perused the material placed on record.

6. As per the investigation report, the petitioner is the only intended purchaser and he has not crossed the stage of attempt in the commission of the offence. It is not a case of the prosecution that the supply was made basing on the previous orders from the accused. In the said circumstances, it is a fit case to grant bail under Section 37 of NDPS Act.

7. Accordingly, this Criminal Petition is allowed and the petitioner/accused No.10 shall be released on bail on the following terms and conditions:

(i) The petitioner/accused No.10 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 learned I Additional Metropolitan Sessions Judge, Hyderabad.

(ii) The petitioner/accused No.10 shall appear before the Station House Officer, Bahadurpura Police Station, Hyderabad District, on every Sunday between 10 a.m., and 5 p.m for a period of three months.

(iii) The petitioner/accused No.10 shall not directly or indirectly influence or make any witnesses or complainant.

(iii) The petitioner/accused No.10 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.

(iv) The petitioner/accused No.10 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.

26.06.2023
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